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## ZONING REGULATIONS

### TOWN OF SIMSBURY, CONNECTICUT

The Zoning Regulations of the Town of Simsbury, Connecticut, were approved by a Town Meeting on October 2, 1933, and includes recently enacted statutes, zoning ordinances, and boundary changes as per the zoning map now on file in the Town Clerk's office, in said Town of Simsbury, which ordinances, amendments, and changes are approved and ordered to be effective by said Zoning Commission on the 23rd day of March, 1990.

Prepared by the Simsbury Zoning Commission

As Amended December 15, 2003

## ARTICLE ONE

### INTENT AND PURPOSE

This regulation is adopted under the General Statutes of the State of Connecticut for the following purposes:

1. To promote and to protect the public health, safety, and welfare of the inhabitants of Simsbury, Connecticut, and of the public generally;
2. To encourage and facilitate the orderly growth and expansion of the municipality;
3. To prevent the overcrowding of the land;
4. To avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public requirements;
5. To protect the character and maintain the stability of residential, business, and manufacturing areas within the town;
6. To provide adequate light, air, privacy, and convenience of access to property;
7. To divide the town into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing, and other uses;
8. To control the height, size, and location of business signs;
9. To establish building lines and the location of buildings designed for uses within such lines;
10. To provide uses, building, or structures which are compatible with the character of development of the permitted uses within specified zoning districts;
11. To regulate such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter;
12. To encourage efficient circulation in and to lessen congestion on the public streets by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles and so protect the public health, safety, and the general welfare;

13. To provide protection against fire, panic, flood, explosion, noxious fumes, and other dangers in the interest of the public health, safety, comfort, and general welfare;
14. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform with the standards of the districts in which they are located and are adversely affecting the development of other property in each district;
15. To define and limit the powers and the duties of the administrative officers and bodies as provided herein.

## ARTICLE TWO

### ESTABLISHMENT OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP

#### A. ESTABLISHMENT OF ZONING DISTRICTS

The Town of Simsbury is hereby divided into the following Zoning Districts:

R-160	Rural Residence Zone
R-80	Single Family Residence Zone
R-40	Single Family Residence Zone
R-25	Single Family Residence Zone
R-15	Single Family Residence Zone
Single-Family Cluster Zone	
Simsbury Center Zone	
Village Cluster Zone	
B-1	Restricted Business Zone
B-2	General Business Zone
B-3	Designed Business Development Zone
PO	Professional Office Zone
Floodplain Zone	
I-1	Restricted Industrial Zone
I-2	General Industrial Zone
I-3	Earth Excavation Zone

## B. PROVISION FOR OFFICIAL ZONING MAP

The boundaries of zones are established as shown on the Zoning Map, entitled "Zoning Map of the Town of Simsbury, Connecticut," filed in the Office of the Town Clerk.

This map, together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of these regulations.

### 1. Zone Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as abutting right-of-way lines of streets, highways, or alleys shall be construed as extending to the center line of such streets, highways, or alleys;
- b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- d. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines;
- e. Boundaries indicated as parallel to, or extension of, features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map;
- f. In cases of uncertainty, the Zoning Commission shall determine the location of the boundary.



## ARTICLE THREE

### APPLICATION OF ZONING REGULATIONS

#### A. APPLICATION OF DISTRICT REGULATIONS

The requirements set by this regulation within each district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a. To a greater height;
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this regulation.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading spaces similarly required for any other building, unless specifically permitted.
4. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements established by this regulation.
5. No buildings to be used for a dwelling shall be constructed or altered in the rear of a building situated on the same lot, nor shall any building be constructed in front or moved to the front of a dwelling situated on the same lot. The provision shall, however, not prevent the erection, alteration, or maintenance of dwelling quarters in an accessory building on the rear of a lot when such building is occupied by persons in domestic service on the

premises, or when used as temporary quarters for guests. This provision shall not prevent the erection, alteration or maintenance of an accessory dwelling unit in an existing accessory building on the rear of a lot in accordance with Article Seven of these Regulations. **(adopted June 24, 2002)**

6. Except in the case of Designed Multiple Residence Districts and apartments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zone lot with any other principal building.

## ARTICLE FOUR

### RULES AND DEFINITIONS

#### A. RULES

In the construction of this regulation, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

1. Words used in the singular shall include the plural and the singular, and words used in the present tense shall include the future.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece" and "parcel."
5. The words "zone," "zoning district," and "district" have the same meaning.
6. The phrase "used for," shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
7. The phrase "these regulations" shall refer to the entire zoning regulations.
8. Uses of land, buildings, or structures not clearly permitted in the various zoning districts are prohibited.

#### B. DEFINITIONS

Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Affordable Housing: Shall mean housing for which persons and families, pay 30 percent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development.

Agricultural Operations: Are those operations located on land defined as a farm under these Zoning Regulations whose annual gross sales from agricultural products during the preceding calendar year were \$1,000 or more.

Antenna: Means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

Apartment: A residential structure containing not less than four (4) dwelling units, or a group of such buildings.

Aquifer: Land having coarse grained stratified drift deposits bearing water and capable of sustaining a public and private water supply.

Aquifer Recharge Area: A land area that drains naturally into an aquifer. Areas of adjacent stratified drift, till, or bedrock that recharges the aquifer through subsurface inflow and infiltration of direct runoff along aquifer margins.

Assisted Living Facility: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws and any other applicable laws that provide assistance with activities of daily living to the residents. Services provided by the facility shall be provided on a 24-hour basis and shall include such services as bathing, dressing, toileting, medication monitoring, and meal preparation. Services are also provided in the following areas: linen service, recreation, security, transportation, shopping, and housekeeping. Assisted living facilities may also provide for the daily living needs of memory impaired residents. **(adopted 12/6/99)**

Building: An independent structure having a roof including shed, garage, stable, greenhouse or other accessory building. A detached building is one separated on all sides from adjacent buildings by open space from the ground up. **(adopted June 24, 2002)**

Bulk: The amount of a particular material which is considered above the threshold planning quantity as listed in Volume 51, NO. 77 of the Federal Register dated Wednesday, April 22, 1987/ Rules 7 Regulations PP. 13397-13403.

Co-location: Means locating wireless communication facilities from more than one provider on a single site.

Congregate Senior Housing Facility: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws any other applicable laws with limited support services generally providing meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting. **(adopted 12/6/99)**

Designed Development District: A zoning district in which variance from the specific requirements of these regulations is permitted under strict control and in which detailed site plan approval is required.

Dwelling: A building designed exclusively for residential occupancy. Dwelling includes buildings designed as one-family residences ('single-family dwellings') as well as buildings designed as multi-family residences but does not include hotels, motels and boarding houses. **(adopted June 24, 2002)**

Dwelling Unit: That portion of a dwelling designed for residential occupancy by one family. **(adopted June 24, 2002)**

Dwelling Unit, Accessory: A self-contained, separate dwelling unit that is incidental and subordinate to a single-family dwelling. An accessory dwelling unit may be created within an existing single-family dwelling that conforms to all other requirements of these regulations or within an existing accessory building on the same lot as an existing single-family dwelling that conforms to all other requirements of these regulations. Accessory dwelling units include, but are not limited to in-law apartments. **(adopted June 24, 2002)**

Dwelling Unit, Primary: That portion of a single family dwelling not converted to an accessory dwelling unit. **(adopted June 24, 2002)**

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain more than five persons.

Farm: A tract of land containing five (5) acres or more, used in part or wholly for agricultural purposes, excluding fur ranching, pig farming, slaughter houses, and fertilizer manufacture. A farm may include premises used for the keeping of livestock and other domestic animals when permitted by these regulations.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area: The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garage, porches, and open attics or unfinished rooms, and for which a Certificate of Occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided the difference in floor levels is less than five (5) feet.

Garage, Private: A detached or accessory building or a portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.

Garage, Public: A building or use, other than a private garage used for the maintenance, repair, or storage of automobiles.

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Material: Any material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed and any material which is defined as hazardous within the meaning of any federal, state, or local law, regulations or ordinance including, but not limited to chemicals which are subject to reporting requirements under Title III of the Super Fund Amendments and Reauthorization Act of 1986 (SARA).

Hazardous Waste: Is any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed including hazardous waste identified in accordance with RCRA (Resource Conservation Recovery Act).

Health Care Facility: A building or group of buildings composed, at a minimum, of residences or sleeping quarters and common dining facilities, and offering limited medical care, all functioning in an integrated manner.

Height of Tower: Means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of the application.

Home Occupation: An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

Hotel: A building designated as the more or less temporary abiding place for more than ten persons or providing six or more sleeping rooms for which lodging is provided for compensation with or without meals.

Independent Living Facilities: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws and any other applicable laws as regulated under Article Ten, Section K, 9 of these regulations. Such limitation shall be recorded in the Simsbury Land Records as a

covenant to the Town of Simsbury and shall remain in effect unless modified by mutual agreement of the Simsbury Zoning Commission or its successor and the owner of the property. No support services shall be provided except for reasonable and customary accessory uses recognized as such by the Commission at the time of approval. **(adopted May 10, 2003)**

Inn: A building, used in whole or in part, as a temporary abiding place and providing not more than 35, nor less than 6, sleeping rooms, in which lodging is provided for compensation with or without meals. An Inn may not be used as a permanent residence. **(Adopted 9/16/96)**

Listed: Means included in a list published by a testing laboratory which (1) is approved by the Commissioner of Environmental Protection in consultation with the Bureau of the State Fire Marshal, (2) maintains periodic inspection of production of listed equipment or materials, and (3) states in their listing either that the equipment, material or procedure meets appropriate standards or has been tested and found suitable for use in a specified manner.

Lot, Corner: A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if the interior angle formed by the street is not greater than 135°.

Lot, Frontage: That portion of the lot nearest the street. On rear lots, the rear lot line of the front lot is the frontage of the rear lot.

Lot Line: The property line bounding the lot.

Lot Line, Front: Boundary of the lot along the lot frontage.

Lot Line, Rear: Boundary of the lot most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line.

Lot of Record: An area of land designated as a lot on an approved plot of subdivision or described on a deed duly recorded or registered, pursuant to statute.

Lot, Zoning: A single tract of land located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and therefore may not coincide with a lot of record. Except as the context shall indicate a lot of record, all lots referred to in this regulation are zoning lots.

Motel or Motor Hotel: A building or group of buildings having units containing sleeping accommodations, which are available for temporary occupancy by automobile transients.

Multi-Use Sports, Recreational, and Restaurant Complex. A single building or a group of buildings, operating under a common name or management, serving as a multiple sport center and restaurant along with ancillary, recreational and cultural uses where individuals actively participate in sports, sport exhibitions, recreational or cultural activities, or as spectators of competitions or exhibitions. **(adopted 10/15/2003)**

Multi Sport Center: A facility where people engage in organized team and individual sports activities, inside the buildings and outside the buildings which comprise the facility, on designated fields or in designated areas. **(adopted 10/15/2003)**

Non-Conforming Use or Structure: Any land, building or structure or their use which does not comply with all of the requirements of this regulation governing the zoning district in which it is located.

Nursery: A use whose sole function is the growing of trees or plants. Commercial activities shall be limited to the sale of products grown on the premises and in no case shall such use be interpreted as a retail outlet selling garden supplies or a landscape service business or the storage of equipment related thereto.

Occupiable Room: A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes, or in which occupants can be or are engaged at labor; and which is equipped with means of egress, light and ventilation facilities meeting the requirements of this code.

Pesticide: Means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substances intended for use as a plant regulator, defoliant or desiccant.

Principal Owner: The owner of record of not less than a 50 percent interest in a single-family dwelling unit is sought. **(adopted June 24, 2002)**

Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

Shelter, Fallout: A structure or a portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air-raids, storms, or other emergencies.



Sign: Any object, device, display or structure or part thereof, situated outdoors or indoors but designed and intended to be seen outside the building, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Area: The entire face of a sign including the advertising surface and any framing trim or molding within a continuous perimeter enclosing the extreme limits of the entire message of advertising copy and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of the above area not forming an integral part of the display. For the purpose of computing area only, one side of a double-faced sign shall be included in the total area.

Sign, Business: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

Sign, Temporary Permit: A permit issued by the Zoning Enforcement Officer pursuant to these Regulations by virtue of which signs not otherwise permitted by said regulations may be permitted in accordance with conditions set forth in the regulations for periods of not more than six months, subject to renewal for periods not to exceed six months each to the extent such renewals are permitted in these Regulations.

Story: That portion of a building above the basement included between any floor and the ceiling or roof above it.

Story, Half: Any place under a gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

Street Line: The line between the lot and the street right-of-way.

Structural Alteration: Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams, or girders.

Structure: Anything which is constructed or erected which requires location on the ground or attached to something having a location on the ground.

Tower: Means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

"Trade Secrets": Are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are recognized by law as confidential, and commercial or financial information given in confidence, not required by statute.

Visually Sensitive Areas: Areas of statewide concern, areas of local interest, trap rock ridges and locally designated scenic roads, and Simsbury Land Trust properties.

Wireless Telecommunication Services: Means licensed wireless telecommunication services including, but not necessarily limited to cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Wireless Telecommunication Site: Means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Yard: An open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky and upon which no structure may be located, except as otherwise permitted.

Yard, Front: An open space extending across the full width of the lot bounded on one side by a street to a depth as required by these regulations.

Yard, Rear: An open space extending across that portion of the lot most opposite from the front lot line bounded on one side by a property line and to a width as required by these regulations.

Yard, Side: An open space extending from the front to the rear yard, bounded on one side by the lot boundary and to a depth as required by these regulations.

## ARTICLE FIVE

### GENERAL PROVISIONS

#### A. LOTS IN TWO ZONING DISTRICTS

Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more zoning districts, any questions of uncertainty as to district boundaries shall be determined by the Zoning Commission.

#### B. TEMPORARY USES

1. Permits may be issued by the Zoning Enforcement Officer for the following purposes, with conditions which will safeguard the character of the neighborhood. Prior to issuance of such permit, the Zoning Enforcement Officer shall require written approval from the Building Inspector, Chief of Police, Fire Marshal, and Director of Health.
  - a. A circus, carnival, auction, festival, or similar public gathering held for a period of not more than ten (10) days and subject to the standards established by the above named agents. For the purpose of this Section, private residential tag sales held by individuals or groups of individuals for periods of less than three (3) consecutive days shall be exempt from the Regulation.
  - b. A non-conforming temporary building shown to be necessary pending construction of a conforming building or use, for not more than one year, but renewal permits for successive periods of six (6) months each may be granted.
  - c. One visiting trailer used for living purposes may be parked on the rear of a lot occupied by a detached single family dwelling and at least forty (40) feet from any line, for a period of not more than four (4) weeks in any calendar year.
  - d. Trailers used as offices and/or living quarters for a janitor or watchman incidental to construction on or development of the premises on which the trailers are located.

### C. FALLOUT SHELTERS

Fallout shelters are permitted as principal or accessory uses in any district, subject to the yard regulations of the district.

Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

### D. ROADSIDE STANDS

Farm stands of temporary construction and readily removable for the sale of products raised exclusively on the farm which is used by the stand may be permitted in any residential zone. Such stands hereafter erected must be set back from the road at least thirty-five (35) feet to permit access roads and to avoid parking of customers motor vehicles on the highway, as approved by the Chief of Police.

### E. UNBUILDABLE LAND

Land in any zone which in the judgment of the Town Zoning or Town Planning Commission may be unfit for human habitation for health reasons shall not be built on for that purpose until the building permit has the written approval of the Health Officer.

### F. ACCESSORY BUILDINGS

Accessory buildings or uses are permitted in any zone provided that:

1. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory. **(adopted June 24, 2002)**
2. No permanent accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. **(adopted June 24, 2002)**
3. A building attached to the principal building by a covered passageway, or by having a wall or part of a wall in common, shall be considered as part of the principal structure. **(adopted June 24, 2002)**

- G. ACCESSORY DWELLING UNITS ARE PERMITTED IN ANY RESIDENTIAL ZONE SUBJECT TO THE REQUIREMENTS OF ARTICLE SEVEN. **(adopted June 24, 2002)**

H. LOUD SPEAKERS, AMPLIFIERS, AND SOUND EQUIPMENT

The commercial use for advertising purposes of loud speakers is permitted only within the confines of buildings.

I. USE OF RESIDENCE FOR PERSONAL BUSINESS PURPOSES

Nothing in these regulations shall restrict the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by mail or telephone.
2. No persons other than members of the family are employed.
3. No external evidence of the business is visible.
4. No business signs are erected.
5. No pedestrian or automobile traffic other than that normally generated by a residence is generated.

J. SITE PLAN REQUIREMENTS

1. All site plan required under these Zoning Regulations shall be submitted in six (6) copies at a scale of not less than forty (40) feet to the inch and shall show, as applicable, the following data:
  - a. Title block, north point, scale, location map, and seals of the engineer, architect, landscape architect, or surveyor preparing the site plan.
  - b. Boundaries of property certified to a State of Connecticut A-2 Map Survey Standard.
  - c. Existing and proposed contours at not more than two (2) foot vertical intervals. Wetlands, floodplains, and soil type should be delineated.

- d. Existing and proposed roads, pedestrian walkways, driveways, loading and parking area, and a table showing proposed and required parking spaces.
- e. Location and dimension of all existing and proposed buildings, structures, walls, and area fences. Approximate age of existing structures and sites of historical significance should be noted. Building setback lines shall be shown.
- f. Location, nature, and extent of watercourses and waterbodies.
- g. Location, size and design of existing and proposed storm drainage, sewage disposal, refuse containment, water supply facilities, and electric and telephone lines. Design calculations, soil types, deep test hole data and percolation test data shall be shown for on-site sewage disposal system.
- h. Location, size, species and type of proposed landscaping including existing trees of twelve (12) or more inches in diameter, measured at a trunk height of three (3) feet above the ground. Heavily wooded areas shall be shown by foliage lines.
- i. Location, dimensions, areas, type, color, and illumination of all proposed exterior signs.
- j. Location and intensity of all proposed exterior lighting.
- k. An Erosion and Sediment Control Plan prepared in accordance with the document entitled "Connecticut Guidelines For Soil Erosion and Sediment Control" prepared by the Connecticut Council on Soil and Water Conservation, dated January 1985. The Zoning Commission shall review and certify said plan and shall direct its designated agents to inspect for compliance with said plan.
- l. All site development permits required under state, federal, or local regulations and statement of availability of service from local utilities or documentation that reviews process is underway.
- m. Renderings, elevations, floor plans, statistical data, and other information considered necessary by the Commission for adequate study of the proposal.

- n. Demonstrate how plan utilizes passive techniques for solar energy, or energy conservation.
  - o. An applicant is not required to submit detailed road, utility and drainage 1"=40' scale Construction Plan and Profiles until no later than 30 days prior to such time as a Final Mylar is submitted for signature by the Commission Chairman following approval of the Site Plan. The details that are not required are only the road and utility construction details. All other plan requirements and computation submittals must be met.
2. The Zoning Commission may modify the requirements of this section in whole or in part where the proposed development involves building additions of less than twenty-five (25) percent of the existing outside dimensions of the structure provided however that the use of the structure remains the same.
  3. The Zoning Commission may require such modifications in the site plan as are necessary to meet the specific requirements of the development type, and may make additional modifications as are necessary to protect the public health, safety, convenience, and property values of the community.
  4. All site improvements including all modifications required by the Zoning Commission shall be installed to the satisfaction of the Commission or its designated agents before final approval is given and a Certificate of Occupancy is issued.
  5. The Zoning Commission may require a performance bond for all improvements not installed prior to final approval and issuance of a Certificate of Occupancy. The performance bond shall be in the amount of 100 percent of the cost of such improvements as estimated by the Town Engineer and shall be in a form satisfactory to the Commission.
  6. An approved site plan showing the Commission's modifications and signature of the Chairman shall be filed with the Building Inspector within ninety (90) days of the approval date. No development shall be permitted except in conformity with the approved plan. An approved plan shall be void if construction is not started within one year from the date of approval by the Zoning Commission provided that the Commission may grant an extension for an additional one year.
  7. A site plan approved by the Zoning Commission as part of a Special Exception shall be considered a condition of the Special Exception and all development on the site shall comply with the approved plan.

K. LOTS IN ZONES ABUTTING THE FLOODPLAIN ZONE

Where a parcel of land is located in two zones, one of which is a Floodplain Zone, all zoning requirements for the applicable non-floodplain zone must be met within that portion of the parcel which is not located in the Floodplain Zone.



## ARTICLE SIX

### PROHIBITED USES

- A. Public or private racetracks for testing or proving ground for motor vehicles, or race tracks for horses or dogs whether conducted for profit or as a non-profit operation.
- B. Outdoor drive-in theaters.
- C. Trailer camps.
- D. Crematories.
- E. Trailers and mobile homes.

No automotive type of trailer and no mobile home, whether mounted on wheels, or on a foundation, or demounted shall be occupied for living purposes or business purposes within the town except as permitted in Article Five, Section B, as a temporary use.

- F. Advertising Signs, Advertising Devices, or Logos are prohibited unless located on the property they are intended to serve and unless permitted in accordance with these regulations.
- G. No use shall be permitted which:
  - 1. Emits into the air dust, dirt, flyash, smoke, or other material which is not confined to the lot containing the use;
  - 2. Emits into the air offensive odors or noxious, toxic, or corrosive fumes or gases;
  - 3. Transmits outside the lot containing the use, noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness;
  - 4. Transmits light, which is objectionable due to brightness;
  - 5. Discards offensive wastes into any stream, watercourse, or storm sewer.

## ARTICLE SEVEN

### PERMITTED USES

All uses permitted in this article are subject to height and area requirements contained in Article Eight, and all other applicable requirements of the zoning regulations.

#### A. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY ZONE

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a special exception in any zone after a public hearing, subject to conditions and modifications as determined by the Commission. In evaluating the uses, the Commission shall apply the standards set forth in Section C of this article. The Commission shall require the approval of a Site Plan prepared in accordance with Article Five, Section J.

1. Cemeteries.
2. Aircraft landing fields.
3. Public utility installations needed for the public convenience and necessity.
4. Municipal, state and federal government facilities, including development of Affordable Housing on Town-owned land whether or not the housing itself is owned by a municipal, state or federal government.
5. Nursery as defined. Where such nursery exceeds five (5) contiguous acres of growing stock, then the operation of a landscaping service business shall be considered an accessory use provided that all equipment be stored within the buildings and all buildings except dwellings be located at least fifty (50) feet from any property line, stream, or watercourse, and further all fertilizers be stored at least fifty (50) feet from any property line, stream, or watercourse.
6. Energy generating devices such as wind turbine generators as accessory uses in all zones. The Commission may permit maximum height and area requirements of the accessory use that are greater than those specified by other applicable requirements of the Zoning Regulations.
7. Day care or child care facility.
8. The rehabilitation of an existing structure containing no less than 2,000 square feet of gross floor area measured at the interior of the perimeter walls and the construction of the principal portion of which has been completed between January 1, 1851 and December 31, 1939 for purposes of so

converting it as to provide more than one separate dwelling unit, as the term "dwelling" is defined in Article Four, Section B hereof. In addition to the other conditions herein above set forth to granting the special exception, the Commission shall condition granting of the exception upon the following requirements:

- a. the conversion shall conform to all applicable standards --- including, but not by way of limitation, the building, fire and health codes --- of all codes applicable to structures and uses in the Town of Simsbury;
- b. the conversion shall not result in an increase of total habitable floor area greater than an amount equal to 20 percent of the lowest habitable floor; provided however, that floor area required to construct interior stairwells or corridors which are to be enclosed by exterior walls shall not be included in the tabulation;
- c. after granting of the exception, no additional square footage shall be added to the structure;
- d. conversion of a structure in a residential zone shall provide parking spaces in accordance with the requirements of Article Ten, Section E; provided however that in a residential zone the parking area shall not be located in the front, side or rear yards as those terms are defined in Article Four, Section B of these regulations; and provided further, that parking shall be screened from surrounding properties;
- e. the structure as converted shall comply with all requirements of these regulations applicable to the zone in which it is located; and
- e. the structure as so converted shall be connected to a public water supply and the municipal sewer system. If the structure is listed on the Town Inventory of Historic Places on file with the Town Planner on the date the application for special exception is filed, the Commission shall refer the application and accompanying plans and documentation to the Simsbury Historical Society for its review and advice, which review shall report whether the plans comply with the Standards for Rehabilitation promulgated by the United States Secretary of the Interior and published in the Federal Register, as the same may be amended from time to time, which advisory report of the Society shall be filed with the Commission within thirty (30) days of the referral to the Society. If the Commission shall find, as to any structure which is the subject of an application hereunder, that the conversion would detract from

the architectural character of the original structure, it may condition approval of the special exception upon deletion of the detracting feature.

9. Health Care Facilities as set forth in Article Ten, Section I.

## B. USES PERMITTED IN ALL RESIDENTIAL ZONES

The following uses shall be permitted in all residential zones, subject to the requirements and standards set forth herein.

1. Farms, provided that the storage of fertilizer and manure, and all buildings except dwellings shall be located at least one hundred (100) feet from any lot line.
2. Single family detached dwellings.
3. Accessory buildings and uses, provided accessory living quarters for agricultural workers employed on the premises, shall be located at least one hundred (100) feet from other residences or the front lot line.
4. Use of residence for personal business purposes as provided in Article Five, Section I.
5. Use of residence to care for up to four (4) non-resident children by resident person or family.
6. Keeping of domestic animals clearly accessory to residential use. In no case may the following schedule be exceeded unless the use qualifies as a farm:
  - a. Horses, ponies, sheep, and similar animals provided that the parcel contain at least three (3) acres and that no more than two (2) such animals are kept, and further that no storage of manure or accessory buildings be located closer than one hundred (100) feet from any property line, stream, or watercourse.
  - b. Dogs, cats, and similar domestic pets provided that no more than six (6) animals are kept and no commercial kennel is operated.
  - c. Ducks, geese, chickens, etc., provided that no more than twelve (12) such animals are kept.

C. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE AFTER PUBLIC HEARING:

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted after public hearing in any residential zone set for herein. The Zoning Commission shall require that a site plan prepared in accordance with Article Five, Section J be submitted. The Commission, in evaluating the request for Special Exception, shall require conformity to the standards set forth in this section.

1. Home occupations and professional offices in residences except such uses shall not be permitted in the R-160 Zone. Such occupation or profession shall be carried on wholly within the principal building or within an accessory building, and not more than one person outside the family shall be employed. There shall be no exterior storage of material and no other exterior indication of the home occupation or profession or variation from the residential character of the building, except that signs in accordance with Article Ten, Section C are permitted.
2. Churches.
3. Private schools, but not including schools for special training such as instrumental music, dancing, barbering, or industrial pursuits.
4. Boarding schools or boarding camps operated for profit, subject to the following conditions:
  - a. The area of the property shall be equal to one-half (1/2) acre for every person including employees residing therein.
  - b. No parking area shall be nearer than twenty-five (25) feet from any side or rear property line.
5. Golf clubs and riding clubs operated as membership clubs provided:(adopted 5/6/96)
  - a. No structure used for recreation or other purposes shall be within two hundred and fifty (250) feet of any adjoining property line or within fifty (50) feet of any street line.
  - b. No land used for fairways or bridle paths shall be located closer than fifty (50) feet to any adjoining property line.
  - c. Vehicular access shall not be within one hundred (100) feet of any adjoining property line.

- d. The minimum lot size shall be twenty (20) acres.
- 6. Other non-profit recreation buildings or areas operated by membership clubs provided: (adopted 5/6/96)
  - a. No structure used for recreation or other related purpose shall be within two hundred and fifty (250) feet of any adjoining property line or within fifty (50) feet of any street line.
  - b. No land actively used for recreation or other related purposes shall be within one hundred (100) feet of any adjoining property line.
  - c. Vehicular access shall not be within one hundred (100) feet of any adjoining property line.
  - d. The minimum lot size shall be five (5) acres.
- 7. Living quarters and accessory facilities for agricultural workers where such use is a principal use.
- 8. Development of Rear Lots

The Planning Commission may grant a Special Exception to allow the rear portion of a lot of record in the R-40, R-80 and R-160 Zones to be divided to create one new residential lot with no street frontage where all of the following conditions apply:

- a. The lot of record in its current dimensions has existed prior to December 1, 1969.
- b. The lot of record has met all of the frontage and yard requirements in the applicable zone in existence at the time of creation of the new lot.
- c. Access to the rear lot shall be provided across the portion of the original lot with street frontage and shall be within an easement at least twenty (20) feet wide and be constructed to accommodate fire apparatus and other emergency equipment. The right-of-way shall be sufficiently buffered to screen the lot from abutting properties.
- d. The lot line from which the right of access leads shall be considered the front lot line of the rear lot and both the rear lot and front lot shall conform to all requirements of the zone in which they are located.

- e. No additional subdivision or resubdivision of the original lot or created lot shall be permitted until a fifty (50) foot right-of-way has been provided to all lots thereafter created and further until all regulations for subdivision have been complied with.
- f. A plan shall be submitted at a scale of not less than 1"=40' and shall show as applicable the following data:
  - 1. Boundaries of the property certified to a State of Connecticut A-2 Map survey standard.
  - 2. The location of all existing and proposed water supply wells, septic systems, septic system reserve areas, and sewer and water lines.
- g. Each building lot shall meet the following criteria unless waived in part or whole by the Planning Commission:
  - 1. Each undeveloped lot shall be of a size and configuration that will contain, exclusive of the required side, front, and rear yards, a rectangle of the size required in the following chart:

Zone	Minimum Dimension (feet)	Minimum Area (square feet)
R-160	96	14,400
R-80	96	14,400
R-40	80	10,000

- 2. The rectangle contained within each undeveloped building lot shall not contain land in the following classifications:
  - a. Inland wetlands as defined by the Town of Simsbury Inland Wetlands and Watercourses Regulations.
  - b. Floodplain areas as defined by the Town of Simsbury regulations or ordinance of the Town of Simsbury.
  - c. Land with an average slope, as measured over any distance of fifty (50) feet within the rectangle, greater than 20 percent.

9. Accessory Dwelling Units (**adopted June 24, 2002**)

- a. Purpose: The purpose of this section is to implement the recommendations of the 1994 Plan of Development by providing and preserving housing for all the population while at the same time preserving the appearance and character of the Town's neighborhoods by permitting, by special exception, the creation of a single accessory dwelling unit incidental and subordinate to an existing single family dwelling.
- b. A single-family dwelling located in any residential zone may be converted to include one accessory dwelling unit subject to the issuance of a special exception by the Zoning Commission and the following conditions:
  1. Eligibility for Conversion: The single family dwelling or accessory dwelling being converted to include an accessory dwelling unit must be in conformance with all applicable requirements of these regulations and must have been in existence for at least five years.
  2. Maximum Size: The gross floor area of an accessory dwelling unit may not exceed one third of the gross floor area of the single family dwelling or 1000 sq. ft., whichever is less. Existing accessory buildings may be expanded, however, the floor area of accessory dwelling units to be located therein shall not exceed 1000 square feet.
  3. Occupancy: A principal owner of the single-family dwelling must reside in either the primary dwelling unit or the accessory dwelling unit. Said owner shall certify such residence to the Zoning Commission by affidavit at the time of initial application.
  4. Entrances: The primary dwelling unit and the accessory dwelling unit shall have separate entrances. The separate entrances may be from a common hall.
  5. Driveways: No additional driveway shall be created for the purpose of serving an accessory dwelling unit.
  6. Parking: There must be at least one off-street parking space dedicated to the accessory dwelling unit.
  7. Compliance with Other Regulations: The accessory dwelling unit must comply with all applicable building, fire and health code regulations.



8. Water and Sewers: If the single-family dwelling is served by public water and/or public sewer, the accessory dwelling unit must also be served by public water and/or public sewer. If the single family dwelling is served by a well and/or a septic system, such well and/or septic system must be capable of serving the accessory dwelling unit as determined by the Farmington Valley Health District.
9. Continuation of Accessory Dwelling Unit: Upon the sale of a single-family dwelling having an accessory dwelling unit, the new owner(s) shall file, within thirty days of the transfer of the property, a notice with the Zoning Commission stating whether the new owners intend to continue the accessory dwelling unit. If the new owners intend to continue the use, a principal owner shall also file with the Zoning Commission an affidavit of occupancy in accordance with subsection 3 of this section within thirty days of the transfer of the property.
10. Application Requirements: Application for a special exception for an accessory dwelling unit shall be made on a form proved by the Office of the Zoning Enforcement Officer. The application shall include a plot plan showing the location of the single-family dwelling, the location of the proposed accessory dwelling unit, the floor plan of the proposed accessory dwelling unit, any proposed changes to exterior of the single-family dwelling or an existing accessory building serving the single-family dwelling, the location of parking serving the proposed accessory dwelling unit, the location and design of entrance(s) to the proposed dwelling unit, a list of owners of all abutting property, and an application fee as required by the Town fee schedule.

## 10. Standards

In considering the proposed project or use the Commission shall be guided by the following:

- a. The need for the proposed use in the proposed location.
- b. The existing and future character of the neighborhood in which the use is to be located.
- c. The location of main and accessory buildings in relation to one another.
- d. The height and bulk of buildings in relation to other structures in the vicinity.

- e. Traffic circulation within the site, amount, location, and access to parking, traffic load or possible circulation problems on existing streets.
- f. Availability of water to the site and adequate disposal of sewage and storm water.
- g. Location and type of display signs and lighting, loading zone, and landscaping.
- h. Safeguards to protect adjacent property and the neighborhood in general from detriment.

D. USES PERMITTED IN VILLAGE CLUSTER ZONE - See Article Ten, Section A 5.

## E. USES PERMITTED IN B-1, RESTRICTED BUSINESS ZONES

The following uses are permitted in the B-1, Restricted Business Zone subject to approval of a site plan prepared in accordance with Article Five, Section J:

1. Office, bank, or studio.
2. Retail stores, and personal service shops not involving manufacture of products except those sold at retail on the premises and provided further that no more than five (5) operators shall be employed in the manufacturing process, but not including gasoline service stations, automobile sales, repairs, storage, and car washes.
3. Residential uses if clearly accessory to the principal business use or if designed as part of a business complex, if the following apply:
  - a. Residential uses must be located above the principal use.
  - b. The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses.
  - c. The residential uses are constructed at the same time or after the development of the principal area, but never before.
  - d. Use is part of an approved site plan.
4. New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards of 3 a, b, c, and d above.
5. Commercial parking lot available to the public for or as an accommodation to clients or customers.
6. Special exception permitted in B-1, B-2, and B-3 Business Zones.

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a Special Exception in the B-1, B-2, and B-3 Zones after a public hearing, subject to conditions and modifications as determined by the Commission. In evaluating the uses the Commission shall consider the standards set forth in Article Seven, Section C, No. 8. The Commission may require the approval of a site plan prepared in accordance with Article Five, Section J.

- a. Restaurants with or without liquor, beer, or wine licenses.

- b. Taverns.
- c. Specialty, limited menu, sandwich, or other eating places with or without curb service.
- d. Convenience stores selling food items.
- e. Markets, supermarkets and specialty food stores.
- f. Outside storage in connection with the operation of a business. (adopted 4/15/96)
- g. Multi-Use Sports, Recreational and Restaurant complex. **(adopted 10/15/2003)**

#### F. USES PERMITTED IN B-2, GENERAL BUSINESS ZONES

1. The following uses are permitted in the B-2, General Business Zone subject to approval of a site plan prepared in accordance with Article Five, Section J:
  - a. All uses permitted in B-1 Restricted Business Zone.
  - b. Printing, where the produce is sold at retail on the premises.
  - c. Wholesale business, sales offices, or sample rooms.
  - d. Private club.
  - e. Motel or motor hotel.
  - f. Funeral homes.
  - g. Bakery, laundry, clothes cleaning and dyeing establishments.
  - h. Radio and television studios.
  - i. Repair services or businesses, including repairing of bicycles, guns, radios and television sets, and other home appliances, typewriters, watches, clocks, shoes, and similar uses.
  - j. Any other business of the same general character as the above.
2. Special exceptions permitted in B-2 General Business Zones.

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a Special Exception in the B-2 Zone after a public hearing subject to conditions and modifications as determined by the Commission. In evaluating the uses the

Commission shall consider the standards set forth in Article Seven, Section C, No. 8. The Commission may require the approval of a site plan prepared in accordance with Article Five, Section J.

- a. Bowling alleys and similar commercial recreational places.
- b. Automobile sales, repair, and storage.
- c. Automobile service stations.
- d. Car Washes. Where car washes are included as any part of an application, a report from a professional engineer on the disposal and impact of wastewater and cleaning products must be included with the application.
- e. Sales and storage of contractor's equipment.
- f. Veterinary hospitals and commercial kennels.
- g. Theaters, except drive-in theaters.

#### G. USES PERMITTED IN B-3, DESIGNED BUSINESS DEVELOPMENT ZONE

The following uses are permitted in the B-3, Designed Business Development Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

- 1. All uses permitted in the B-1 and B-2 Zones.

#### H. USES PERMITTED IN PO, PROFESSIONAL OFFICE ZONE

The following uses are permitted in the PO, Professional Office Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

- 1. Church, school, and library.
- 2. Banks; professional offices; offices for real estate agents; insurance agents; investment brokers; public utilities; educational, charitable, and civic organizations, and other offices of a similar nature.

## I. USES PERMITTED IN I-1, RESTRICTED INDUSTRIAL ZONE

The following uses are permitted in the I-1, Restricted Industrial Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

1. Office buildings.
2. Research laboratories.
3. Warehouses and the manufacture, processing, or assembly of goods.
4. Special exceptions permitted in I-1, Restricted Industrial Zone after public hearing.

The following uses are declared to possess such special characteristics that each must be considered as an individual case:

- a. Private or commercial recreation uses such as tennis, handball, paddle tennis, gymnasiums, and similar recreational facilities.

In considering the special characteristics of the above uses, the Commission shall consider the following:

- (1) The existing or future character of the neighborhood in which the use is to be located.
- (2) Traffic circulation within the site, location and access to parking areas, and traffic loads and possible circulation problems on existing streets.
- (3) Location and type of display signs and lighting.
- (4) Necessary safeguards to protect adjacent property and the neighborhood in general.

- b. Business uses, such as banks, industrial salesrooms, restaurants or cafeterias, and similar uses which are clearly supportive of the permitted primary uses in an industrial park or district.

In considering the special characteristics of the above uses, the Commission shall consider the same criteria as specified in Section 4 a (1)-(4) above, and in addition, the following:

- (1) Whether the proposed use is consistent with the industrial intent of the designed industrial zone.

J. A. USES PERMITTED IN I-2, GENERAL INDUSTRIAL ZONE

The following uses are permitted in the I-2, General Industrial Zone provided that no use is permitted which generates offensive emission of dust, dirt, smoke odors, fumes, noise, vibration, or light beyond the premises.

1. Any use permitted in I-1 Zone.
2. Warehouse, wholesale, or storage.
3. Sale and underground storage of fuel, building materials.
4. Grain sales and storage
5. Contractor's storage yards
6. Public utility garages, pole yards, and similar facilities
7. Truck terminals and warehouses
8. Uses where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking, house wrecking, and used lumber as long as such uses are conducted entirely within a completely enclosed building.

All applications for permit to develop in the I-2 Zone shall be accompanied by a site plan prepared in accordance with Article Five, Section J.

B. USES PERMITTED AS A SPECIAL EXCEPTION IN I-1 RESTRICTED INDUSTRIAL ZONE AND I-2 GENERAL INDUSTRIAL ZONE (**amended March 2, 1998**)

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a special exception in the I-1 Restricted Industrial Zone and I-2 General Industrial Zone after a public hearing, subject to conditions and modifications as determined by the Commission.

The following pose minimum adverse visual effects subject to the Performance Standards below:

- a) Wireless telecommunication sites located on buildings and shielded from view from all surrounding streets and driveways used the by the general public and b) Wireless telecommunication sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures. Existing buildings in the I-1 Restricted Industrial Zone and I-2 General Industrial Zone can be used as long as the antenna blends with architectural style.

In evaluating the uses, the Commission shall apply the same standards set forth in Article Ten, Section A-3 to both zones and provided the Zoning Commission finds the Performance Standards and Location Criteria listed below are met. The Commission shall require the approval of a Site Plan prepared in accordance with Article Five, Section J.

#### PERFORMANCE STANDARDS:

- a) No lights shall be mounted on proposed towers unless required by the FCC or the FAA.
- b) Structures shall be painted with a non-reflective paint or made of a non-reflective substance.
- c) No wireless communications facilities shall be located within 200' of a residence.
- d) Towers shall not be used to exhibit signs or other advertising.
- e) A visual marker is to be flown at tower location and height or require applicant to provide a simulation of what the tower will look like to ascertain the visual impacts of the tower.
- f) Wireless communication facilities shall be removed if not in use for six months or longer. Owners of approved facilities shall provide an annual certification as to their operational status.

#### LOCATION CRITERIA:

- 1. Locate on existing structures: water towers, tall buildings, church steeples, smokestacks, etc. Antennas are to blend in with existing color and architectural style.
- 2. Co-locate facilities on a single existing tower.
- 3. Locate new towers with visual mitigation and use creative design measures to camouflage facilities.
- 4. Locate where the existing topography, vegetation, buildings or other structures provide the greatest screening.
- 5. Site facilities below visually prominent ridge lines.
- 6. Minimize the location of facilities in visually sensitive areas.

**SITE PLAN REQUIREMENTS:** In addition to Article Five, Section J, the plans shall include a 2000 scale topographic map showing:

- a) Location of the antenna, tower or wireless facility, and guy-wires.



- b) The extent of planned service area within the Town of Simsbury.
- c) Approved locations all other telecommunications sites in the Town and within 1 mile of the Town line.
- d) The boundaries of the tower view shed i.e. the area within which the tower can be seen based upon an assessment of the topography surrounding the site. The boundaries are to include areas in adjacent towns.
- e) The boundaries of the tower fall zone.
- f) Location of tall structures within one quarter mile of the proposed site.

#### K. USES PERMITTED IN I-3, EARTH EXCAVATION ZONE

The following uses are permitted in the I-3, Earth Excavation Zone, subject to the procedures and requirements of Article Ten (Special Regulations), Section D:

1. The operation of stone, sand, and gravel quarries including the manufacture of products composed of materials extracted from said quarries, along with principal and accessory buildings relating to such operation or manufacture.

## L. SIMSBURY CENTER ZONE

### 1. Statement of Intent

It shall be the intent and purpose of the Simsbury Center Zone to permit the development of the historic Simsbury Center as the town's governmental, financial, historic, cultural, and business center; to control commercial expansion; to prohibit the development of retail commercial uses west of Hopmeadow Street; to encourage the construction and rehabilitation of buildings which conform to the scale and charm of the traditional center; to continue sound policies previously adopted as parts of the Plan of Development for Simsbury; and to carry out the recommendations and proposals for circulation, use and layout contained in the Simsbury Plan of Development adopted by the Simsbury Planning Commission.

The regulations are intended to be highly restrictive, but to provide the opportunity for creative architectural design and sound inter-relationship of buildings to open spaces, pedestrian and automotive circulation, landscaping, parking areas, and business signs.

### 2. Permitted Uses

Uses permitted shall be in accordance with the map and table on page 32a.

- a. Retail, personal, and business services, restaurants, inns (adopted 9/16/96), professional offices, banks, public and semi-public and institutional uses.
- b. As a, together with inns, except no retail or personal service uses are permitted.
- c. Public and semi-public uses only.
- d. Residential uses. One and one-half (1 1/2) parking spaces shall be required for each dwelling unit. No existing use may be changed to residential without specific design review and approval of the Commission.

### 3. Height, Area, and Yard Requirements

Except for the setback line on Hopmeadow Street, which has been designated as a landscaped area, restrictions on height, area, and yard requirements are intended to permit flexibility of architectural design and the siting of buildings.

a. Required Yards on Hopmeadow Street

Required yards on Hopmeadow Street shall be provided in accordance with the following table. The yard shall be suitably landscaped and may be crossed by approved drives, but no parking or buildings are permitted.

East Side Drake Hill Road to Station Street	35 feet
East Side Station Street to Pent Road	10 feet
West Side Total Length	10 feet

NOTE: The front yard of property formerly known as "Simsbury House" shall be eighty-five (85) feet.

b. Other Required Yards

The Commission may require yards to a depth of twenty (20) feet from any street or property line. This provision may be waived if, in the judgment of the Commission, the overall development of the area is better served by the elimination of yards.

c. Height

No building may be constructed which is taller than the main structure of Eno Memorial Hall and no structure including towers and cupolas may be taller than the cupola of Eno Memorial Hall.

In determining the permitted height of buildings, the Commission shall consider the relationship of proposed buildings to adjacent buildings and the Center as a whole.

4. Design Restrictions

The Commission shall be guided by the following design considerations when reviewing the proposal for approval:

- a. Specific or general proposals of the Simsbury Plan of Development.
- b. All utility wiring should be located underground whenever legally possible.
- c. Maximum effort should be made to insure permanent landscaping in all areas where appropriate.
- d. Provisions should be made for pedestrian circulation within the site and linking to the systems of adjacent sites.

- e. All signs, light standards, and related structures shall be shown on the submitted plan and no sign or display in the Center may be changed after the effective day of this regulation if such change is not in conformance to these regulations.
- f. No mechanical equipment, fans, generators, etc., shall be on the roofs of buildings, unless suitably screened from view.
- g. No restriction on architectural style is required, but complete drawings, elevations, and renderings, including color and lighting shall be required so that the Commission may review the proposal as to its compatibility to the scale and charm of the existing Center.
- h. Parking areas for retail stores, personal service shops, shopping centers, and similar uses shall be calculated at six (6) spaces for each 1,000 square feet of floor area, and professional offices at four and five/tenths (4.5) spaces for each 1,000 square feet of floor area. Basements used as storage shall not be included in the calculation.

No more than ten (10) cars may be parked adjacent to each other in a row without a landscaped break at least ten (10) feet in width. This provision may be varied if in the judgment of the Commission, the concept of landscaped islands within parking areas has been maintained.

## 5. Procedure

The Simsbury Center Zone shall be considered as a Designed Development District, under Article Ten, Section A, of the Simsbury Zoning Regulations, and all procedures and fees contained therein shall apply to the Simsbury Center Zone.

- 6. All applications for permit to develop in the Simsbury Center Zone shall be accompanied by a site plan prepared in accordance with Article Five, Section J.
- 7. Special Exception Uses in the Simsbury Center Zone. **(adopted May 10, 2003)**

The following use is declared to possess such special characteristics that each application must be considered as an individual case, and may be permitted only after a public hearing. The Zoning Commission requires that a site plan prepared in accordance with Article Five, Section J be submitted. All proposals shall conform to the standards set forth in this section.

1. Independent Living Facility subject to the following criteria:

- i. The maximum density shall not exceed one dwelling unit per every 4,000 square feet of lot area.
- ii. There shall be two parking spaces per dwelling unit.
- iii. Such facilities shall comply with all structural, design, utility, access management, building, and other site requirements provided for in Article Ten, Section K of these regulations.

## M. FLOODPLAIN ZONE

### 1. Intent.

To promote public health, safety, and general welfare and to minimize losses caused by periodic flooding.

2. The Floodplain Zone is defined as all land adjacent to the Farmington River that falls at/or below the FEMA 100 Year Flood elevation as identified by the Federal Emergency Management Agency Study dated April 15, 1986. In this zone, no buildings or structures shall be built and no land shall be used, filled, or paved except in conformance with these regulations. In no case shall any building or structure intended for human occupancy be permitted. Existing structures within or adjacent to the Floodplain Zone may be expanded provided that the expanded portions of the building be flood proofed to an elevation that is two feet above the FEMA 100 year flood elevation. New construction may take place adjacent to the Floodplain Zone corridor provided that habitable spaces and occupiable rooms as defined within these regulations shall be flood proofed to the elevation that is two feet above the FEMA 100 year flood elevation as, and if, it runs through the subject property. For the purposes of this regulation, adjacency occurs when the FEMA 100 year flood elevation crosses or touches the property at any point.

### 3. Permitted Uses

- a. Open space uses to the extent that they are not prohibited by any other ordinance or regulations and provided they do not require buildings, structures, fill, pavement, or the storage of equipment or materials.
  - 1) Agricultural uses including farming, nurseries, forestry, and grazing provided fertilizer, manure, and chemicals are stored at least one hundred (100) feet away from any stream or
  - 2) Public and private recreational areas including parks, playgrounds, golf courses, tennis courts, and swimming areas.
- b. Uses which may be permitted as special exception after a public hearing:
  - 1) Buildings, structures, and signs related to permitted uses.
  - 2) Parking areas as an accessory to adjacent permitted uses within or adjacent to floodplain.
  - 3) Public roads.

- 4) Filling, paving, and grading of land provided:
  - a) Such filling is accessory to abutting permitted uses or a use permitted in the Floodplain Zone.
  - b) The flow of the river or its related streams shall not be retarded, and the storage capacity that alleviates flooding elsewhere is not reduced.
4. Applications for Special Exception shall be accompanied by the following documents which shall be prepared by a registered engineer and submitted in triplicate:
  - a. A site plan prepared in accordance with Article Five, Section J.
  - b. Typical valley cross section showing the channel of the stream, elevation of land area, location of development, and high water information.
  - c. A plan of the area within a 1,000-foot radius of the proposed development showing topography, vegetation, and the effect of the proposed development upon flooding and drainage within the site and on adjacent properties.
  - d. Any other information deemed pertinent by the Commission.
5. Factors considered by the Commission in approving or disapproving the special exception shall be as follows:
  - a. The public health, safety, and general welfare.
  - b. The effects on persons and property within and without the floodplain area.
  - c. Availability of public facilities and services during time of flooding.
  - d. Relationship of the proposed use to the comprehensive plan and flood management program for the area.
  - e. Such other factors which are relevant to the purposes of this regulation.

N. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE, BUSINESS ZONE, SIMSBURY CENTER ZONE, OR INDUSTRIAL ZONE. **(adopted December 6, 1999)**

1. Assisted Living Facility and Congregate Senior Housing Facility as set forth in Article Ten, Section K.



## ARTICLE EIGHT

### HEIGHT AND AREA REQUIREMENTS

#### A. SCOPE OF REQUIREMENTS

All buildings or structures erected or altered after the enactment of this Zoning Regulation shall conform to the requirements specified for the zone in which the building or structure is located and as listed in the scheduled entitled "Height, Area, and Yard Requirements," which accompanies and is made a part of these regulations.

#### HEIGHT, AREA, AND YARD REQUIREMENTS (4)\*\*

<u>Zoning District</u>	<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Height</u>	<u>Maximum Coverage in Percent</u>	<u>Minimum Floor Area</u>
R-160	4 acres	200'	50'	40'	50'	35'	N/A	1500 s.f. 900 1 <sup>st</sup> floor
R-80	2 acres	200'	50'	40'	50'	35'	N/A	Same as above
R-40	40,000 s.f.	200'	50'	40'	50'	35'	N/A	Same as above
R-25	25,000 s.f.	125'	35'	15'	50'	35'	N/A	1200 s.f. 768 1 <sup>st</sup> floor
R-15	15,000 s.f.	100'	35'	12'	25'	35'	N/A	Same as above
Village Cluster	10 acres	200'	35'	30'	35'	35'	25	(2)
B-1	(5)		25'	20' (1)	25'	40'	40	500 s.f. 1 <sup>st</sup> floor
B-2	(5)		25'	20' (1)	25'	40'	40	Same as above
B-3 (2, 3)	(5)	200'	50'	40'	50'	40'	40	
PO	(5)	100'	35'	20' (1)	25'	40'	40	
I-1 (2, 3)	10 acres		50'	40'	50'	40'	40	
I-2	(5)		25'	20'	25'	40'	45	
I-3 (2)	(5)		50'	20'	50'	40'	N/A	

SIMSBURY CENTER ZONE - See Article Seven, Section L - no maximum coverage requirement

VILLAGE CLUSTER - See Article Ten, Section A-5 - 25% maximum coverage requirement

FLOODPLAIN ZONE - See Article Seven, Section M.

\*\* See following page for footnotes (in parenthesis) to this table.

## HEIGHT, AREA, AND YARD REQUIREMENTS

### Footnotes to Table

- (1) Where a lot adjoins a side yard in a residential zone having greater side yard requirements, said lot shall have an adjoining side yard equal to the residential zone side yard requirements. See Article Eight, Section B-9, for additional side yard requirements.
- (2) See special requirements for this district, Article Ten, Section A.
- (3) Where a parcel in single ownership is developed as a single unit under two or more designed development districts, the total site required may be reduced to the site area required for the most restrictive applicable district.
- (4) The regulations governing height are maximum heights permissible, and the area and yard requirements are minimum permissible.
- (5) No minimum lot area required. Area shall be governed by the required yards, parking and loading areas, and other provisions of these regulations.
- (6) In the R-25 and R-15 Zones, minimum floor area of 1,000 square feet is permitted if the structure has a basement.
- (7) Corner lots in residential zones shall comply with minimum frontage requirements on all abutting streets. Other yards of such corner lots which abut side lot lines of adjacent lots shall be considered side yards.
- (8) Impervious surface shall include surface area created by buildings, parking areas of all surface types, and circulation drives.
- (9) The Zoning Commission may, after notice and public hearing, grant a special exception to allow up to 50 percent increase to the maximum coverage allowed in any zone. The Commission shall require a site plan prepared in accordance with Article Five, Section J and other information it deems necessary. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 8.

## B. EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

### 1. Front Yards on Corner Lots

On corner lots, front yard requirements shall be enforced on both street fronts.

### 2. Corner Visibility (adopted 5/20/96)

On any corner lot, no fence, wall, hedge, shrub, or other structure or growth shall be constructed or maintained in a manner which will decrease the sight line within ten (10) feet of the edge of the pavement.

### 3. Construction in Required Yards (adopted 5/20/96)

Notwithstanding other provisions of this regulation, fences, walls, hedges, and driveways may be permitted in any required yard or along the edge of any yard subject to the provisions in Section B.2 (Corner Visibility). For any building requiring a site plan, the Zoning Commission may approve any structures required for handicapped access shown on the site plan to be constructed in any required yards. For any building not requiring a site plan, the Zoning Enforcement Officer may permit any structures required for handicapped access to be constructed in any required yard, provided that no practical location can be found outside of the required yard.

### 4. Height Exceptions

The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of a church spire, tower or belfry, or a flagpole, chimney, water tank, elevator bulkhead, or similar uses.

### 5. Through Lots (or Double Frontage Lots)

On a through lot, a front yard is required on both frontages.

### 6. Measurement of Required Yards on Irregular Lots

Where the front lot line is an arc or the side lines converge toward the front lot line, the required frontage may be measured along the rear line of the required front yard.

## 7. Area Requirements of Designed Development Districts

Where a parcel in single ownership is developed as a single unit under more than one designed development district, the total site required may be reduced to the site area required for the most restrictive applicable district.

## 8. Non-Conforming Lots

A residence may be erected in any residential zone on a lot having an area or frontage less than that required by the "Height, Area, and Yard Requirements" schedule provided:

- a. That such lot shall be a lot of record prior to July 18, 1957,
- b. That all other requirements of said schedule are complied with except that the total of side yards shall be equal to at least 30 percent of the lot frontage with minimum side yard as follows:

R-160, R-80, R-40	25 feet
R-25	15 feet
R-15	8 feet

## 9. Side Yards in B-1 and B-2 Zones

A building adjacent to a vacant lot in a business zone must be constructed at the property line or with a side yard at least ten (10) feet wide.

Buildings constructed adjacent to existing buildings in a business zone shall be constructed with no space between buildings or so as to provide a space between buildings of at least twenty (20) feet. No building shall be built within twenty (20) feet of a lot line of a non-business zone.

## 10. Measurement of Required Yards in B-3, Professional Office, and I-2.

Where a contiguous area is in multiple ownership, It may be developed under a single site plan with "Height, Area, and Yard Requirements" governing the boundaries of the entire parcel so developed.

Where individual parcels are developed Individually, "Height, Area, and Yard Requirements" shall apply to each parcel.

Minimum lot sizes shown in the "Height, Area, and Yard Regulations" are intended to govern non-contiguous parcels. Where two or more lots are located in a single design zone, lot area requirements shall relate to the area of the entire zone rather than any specific lot.

11. Landscaped Buffer in Non-Residential Zones Adjacent to Residential Zones

Where a non-residential zone abuts a residential zone, the Commission may require a dense landscaped buffer sufficient to screen any detrimental effect upon the abutting, existing, or future residences.

12. Swimming pools, tennis courts, outdoor cooking areas which are structures may be permitted in required rear yards, but may not be closer than twenty-five (25) feet to a property line, except in R-15 Zone where they may not be closer than ten (10) feet.

13. Where required floor area is divided into an overall requirement and a first floor requirement, only the first floor requirement need be finished to building code occupancy standards.

14. Where a site plan is submitted showing a house which meets full requirements for floor area, a permit may be issued and a structure built which is less than the required floor area. Such plan shall show the area for future expansion clearly designated and the area shown and space occupied shall conform with required yard requirements and the first stage shall be constructed in accordance with the approved plan. In no case, however, may the first stage contain square feet other than that required for the first floor in the applicable zone.

## C. SPECIAL EXCEPTION FOR HEIGHT REQUIREMENTS IN THE I-1 ZONE

The Zoning Commission may, after public notice and hearing, grant a special exception to the height requirement of this Article Eight for an individual site in the I-1, Restricted Industrial Zone, subject to the following:

1. The Commission may require approval of a site plan prepared in accordance with Article Five, Section J.
2. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 8.
3. For the purposes of computing the height of a structure, the measurement shall not include flagpoles, chimneys, water tanks, elevator bulkheads, or mechanical penthouses.

4. The height of a structure shall mean the average of the highest and lowest points on a structure as measured five (5) feet from the finished grade of foundation.
5. The Commission shall not grant a special exception for height that would allow a structure to exceed either seventy-five (75) feet or four (4) stories.

#### D. SPECIAL EXCEPTION FOR HEIGHT REQUIREMENTS IN THE I-2 ZONE

The Zoning Commission may, after public notice and hearing, grant a special exception to the height requirement of this Article Eight for an individual site in the I-2, General Industrial Zone, subject to the following:

1. The Commission may require approval of a site plan prepared in accordance with Article Five, Section J.
2. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 8.
3. For the purposes of computing the height of a structure, the measurement shall not include flagpoles, chimneys, water tanks, elevator bulkheads, or mechanical penthouses.
4. The height of a structure shall mean the average of the highest and lowest points on a structure as measured five (5) feet from the finished grade of foundation.
5. The Commission shall not grant a special exception for height that would allow a structure to exceed either seventy-five (75) or four (4) stories.

## ARTICLE NINE

### NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

#### A. STATEMENT OF INTENT

Within the districts established by this regulation or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment.

It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, expanded or extended if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the district involved. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

## B. NON-CONFORMING LOTS OF RECORD AND IN SUBDIVISIONS

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this regulation, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation. This provision shall apply even though such lot fails to meet the requirements for the area or lot frontage, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or frontage, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

Nothing in this regulation shall restrict the future construction of structures in conformance at the effective date of these regulations in subdivisions in the process of approval at such effective date or in subdivisions approved prior to such effective date.

## C. NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this regulation, lawful use of land exists that is made no longer permissible under the terms of this regulation as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation.
2. No such non-conforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this regulation.
3. If any such non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this regulation for the district in which such land is located.

## D. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this regulation that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:



1. No such structure may be enlarged or altered in any way which increases its non-conformity.
2. Should such structure be destroyed or damaged it may be repaired or replaced to an extent which does not increase the non-conformity. If such repair or replacement is not accomplished within eighteen (18) months, it shall not be reconstructed except in conformity with the provisions of this regulation.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### E. NON-CONFORMING USE OF STRUCTURES

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this regulation that would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accordance with the provisions of this regulation.
3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or remodeling which does not increase the non-conformity.

Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety upon order of such official.

G. USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special exception is permitted or which is part of a legally approved open space subdivision as provided in this regulation shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

## ARTICLE TEN

### SPECIAL REGULATIONS

#### A. DESIGNED DEVELOPMENT DISTRICTS

##### Intent

The Zoning Regulation is designed for the typical development of a single principal detached structure on a single lot. It shall be the intent of these regulations to permit the development of groups of principal buildings on a single lot or other variance from the specific lot requirement of these regulations only under the strictest control to assure that the intent of these regulations is carried out.

1. The following zones are established to allow such variation and to permit a total project to be developed as a single unit. Site plan approval by the Zoning Commission and review by the Planning Commission is required before a building permit is issued.
  - a. Village Cluster Zone
  - b. B-3, Designed Business Development Zone
  - c. PO, Professional Office Zone
  - d. I-1, Restricted Industrial Zone
  - e. Simsbury Center Zone
  - f. Single-Family Cluster Zone
2. Required Procedure
  - a. All applications shall include a site plan prepared in accordance with Article Five, Section J.
  - b. A complete set of plans and other information shall be submitted to the Town Planning Commission for review, and any report submitted by the Planning Commission shall be entered into the minutes of the Zoning Commission, and in the case of a public hearing read into the record at that hearing.

- c. The Zoning Commission may require such changes in the site plan as are necessary to meet the specific requirements of the development type and may make such additional requirements as are necessary to promote and to protect the sound and orderly growth of the community.
- d. Where a change of zone is required, a petition for zone change must be submitted and heard in accordance with these regulations and the General Statutes of the State of Connecticut. The petitioner may submit all necessary maps at the time of the petition for zone change and the Zoning Commission may review the petition for the zone change and the site plan simultaneously.
- e. Where no change of zone is required, or following the public hearing if a petition for zone change has been submitted, the Commission may grant approval, disapprove, or approve with modifications the proposed development. When acting to approve any site plan, the Commission shall file with the Building Inspector at least one (1) copy of the approved site plan, showing the Commission's modifications, if any, so that no development shall be permitted except in conformity with the approved plan. An approved plan shall be void if construction is not started within one (1) year from date of approval by the Zoning Commission, provided that the Commission may grant an extension for an additional one (1) year.

### 3. Prerequisite to Commission Approval or Disapproval

In considering the proposed project or use, the Commission shall be guided by the following:

- a. The need for the proposed use in the proposed location.
- b. The existing and future character of the neighborhood in which the use is to be located.
- c. The location of main and accessory buildings in relation to one another.
- d. The height and bulk of buildings in relation to other structures in the vicinity.
- e. Traffic circulation within the site, location, amount and access to parking, traffic load or possible circulation problems on existing streets.
- f. Availability of water to the site and adequate disposal of sewage and storm water.

- g. Location and type of display signs and lighting, loading zones, and landscaping.
  - h. Safeguards to protect adjacent property and the neighborhood in general from detriment.
4. Special Requirements in Addition to the "Height, Area, and Yard Requirements."

- a. Screening may be required if, in the judgment of the Zoning Commission, it is necessary to protect nearby residential areas. Landscaping, screening, or other appropriate screening material may be specified.

In the I-1, Restricted Industrial Zone, the Commission may require a dense planting screening thirty-five (35) feet in width or seven (7) feet high or both.

The table of Height, Area and Yard Requirements is amended to increase the B-1 height to 58 feet by Special Exception. **(adopted 10/15/2003)**

5. Special Requirements for Village Cluster Zone

- a. The purpose of the Village Cluster Zone is to provide flexibility of design to allow a range of housing types while maintaining significant environmental features. No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, tend to have a depreciating effect on the neighborhood properties, or is not in keeping with the stated intent of these regulations.

Village Cluster Zones may be designated on the Zoning Map or established by petition after public hearing. Village Cluster Zones are declared to be of such specialized character as to require special requirements and detailed review.

Each application shall be on a form prescribed by the Zoning Commission and shall include a final site plan prepared in accordance with Article Five, Section J of the Zoning Regulations. In passing upon any application for such development, the Zoning Commission shall also consider the factors set forth in Article Ten, Section A, Subsections 2 3 of the Zoning Regulations. The Zoning Commission may grant a Zone Change permitting a village cluster development under this section provided that the following criteria shall be met by the development:

No site shall be approved unless it is on or within three hundred (300) feet of an arterial or collector street as defined by the Plan of Development. The site shall be connected to public sewer and public water supply systems. No alternate public sewer system shall be permitted.

No site shall be developed as a Village Cluster Zone, which contains less than ten (10) acres. The dwelling unit density shall be no greater than the density permitted by these Regulations in the prior residential zone, with the number of dwelling units having been determined by the Zoning Commission in accordance with the following formula:

- 1) Determine the total land area contained in the site.
- 2) Deduct from the total land area 20 percent for open space as required and as specified in the Subdivision Regulations. The land that is to comprise the 20 percent open space shall meet the requirements of Section III of the Subdivision Regulations. It shall be dedicated to the Town as public open space, parks, or playgrounds as provided in the Subdivision Regulations or it shall be dedicated under permanent conservation easement to the Town or other appropriate agency.
- 3) Deduct from the total land area 12 percent for roads and utility easements in the R-15 Zone, 11 percent in the R-25 Zone, 10 percent in the R-40 Zone, and 8 percent in the R-80 Zone and R-160 Zone.
- 4) Deduct floodplain land not included in (2) above as defined by the Simsbury Zoning Regulations; or, if land is not listed as floodplain there but is identified by the Federal Emergency Management Agency on the Flood Insurance Rate Maps (FIRM) as Zone A and Zone B, then as defined by the latter.
- 5) Deduct 50 percent of the land not included in (2) and (4) above designated as Inland Wetlands and Watercourses as shown on a map titled "Inland Wetlands and Watercourses of the Town of Simsbury, Connecticut." Adopted, December 20, 1983.
- 6) Deduct 50 percent of the land with slopes greater than 20 percent ("steep slopes") and not included in (2) above.
- 7) The total of (5) and (6) above shall not be greater than 50 percent of the land that is, in the aggregate, non-wetlands, non-floodplain, non-steep slopes, or road right-of-way.
- 8) Divide the total land area adjusted in accordance with the above formula by the minimum lot size of the prior residential zone(s) in

which the site was located. The formula shall be applied to each zoned parcel within the total site. Where the prior zone is not a Single Family Residence Zone, the R-40 Single-Family Residence Zone minimum lot size shall be utilized in the above formula.

- 9) The number of dwelling units may be increased by the Commission provided, however, that the theoretical population density, computed using Water Pollution Control Authority engineering standards, does not exceed the population of the prior residential zone based solely on the land area of the site.

The above factors, with the exception of (4) and (9) above may be varied by Special Exception following a public hearing.

- b. Permitted uses shall be residential and customary accessory residential uses and the only building types shall be single family, duplex, and multi-family. Multi-family structures shall have no more than four (4) dwelling units in a building.

The ratio of building types shown on the site plan shall fall within the following ranges:

15-25 percent - Single-family units  
 25-50 percent - Duplex units  
 Balance percent - Multi-family units

An Exclusive Use Area of not more than 10,000 square feet shall be provided for each dwelling unit. An Exclusive Use Area (EUA) shall be defined as a parcel of land used exclusively by the owner of the residential unit placed upon it but the ownership of the parcel constitutes less than fee simple title to the land area. There shall be no less than fifty (50) feet between adjacent structures containing dwelling unit(s) on Exclusive Use Areas. The same distance shall be maintained between accessory structures on adjacent Exclusive

Use Areas. Exclusive Use Areas of larger dimension may be provided around multi-family units.

There shall be a fifty (50) foot minimum space between multi-family buildings. The balance of the site not included for roads and utility easements and not used for Exclusive Use Areas shall be held by a homeowner's association or be placed under a conservation restriction in favor of the Town.

The above factors may be varied by Special Exception following a public hearing. **(amended June 2, 1997)**

c. **Area and Site Requirements (amended June 2, 1997)**

Minimum Site Size	Ten (10) acres
Required yards -	(entire site)
	Front Thirty-Five (35) feet
	Side Thirty-Five (35) feet
	Rear Thirty-Five (35) feet
Minimum Frontage	Two hundred (200) feet
Minimum Width	Site width measured parallel to street - Two hundred (200) feet for a minimum depth of four hundred (400) feet
Site coverage	Not to exceed 25 percent.
Building Height	Two (2) stories or thirty-five (35) feet. No accessory structure may exceed fifteen (15) feet in height.
Buffer	There shall be provided a minimum 100-foot landscaped area along the frontage of all public streets, and 50 feet along the remaining perimeter.

Area and site requirements may be varied by Special Exception following a public hearing. Building height may not be varied by Special Exception.

d. All interior circulation streets shall be constructed in accordance with the Highway Construction and Design Standards for the Town of Simsbury.

All utilities shall be placed underground.



A minimum of 20 percent of the total site dedicated to the Town in fee simple title or encumbered by conservation restriction as provided in Section 5.a.2 shall be allocated as recreation facilities or open spaces for active and passive recreation.

Parking - Two (2) spaces shall be provided for each dwelling unit. Parking spaces shall not be arranged in tandem. Visitor parking may be provided at a rate of one (1) space per four (4) dwelling units. Areas assigned as visitor parking shall not be included in coverage calculations.

- e. The Zoning Commission may not change the classification to Village Cluster Zone if the zoning classification of that parcel (or of those parcels) of land on August 24, 1988, was not the same as the classification from which the change to Village Cluster Zone is being sought.

#### B. SINGLE FAMILY OPEN SPACE CLUSTER ZONE (**amended July 21, 1997**)

1. The purpose of this section is to permit, by Zone Change, alternate development patterns in the single-family R-160, R-80, R-40, R-25 and R-15 residence zones. The goal of this zone is to encourage development that is sensitive to the environment and ecological features of the site and to minimize the undue use of land to meet existing zoning lot regulations. The zone encourages the preservation of land in its natural state for the benefit of the residents of the Town of Simsbury and allow the development of residential structures in a manner consistent with a more historically traditional New England character. Development at the density provided below may be permitted if it preserves more open space than would otherwise occur and preserves and contributes to the Town's natural and scenic resources, its streams, ponds, marsh lands, aquifers, parks, playgrounds, historic sites, wildlife habitats, farmland, forests, ridges, or open space. Development under this section shall emphasize the clustering or grouping of single-family residences on one or more portions of the site as contrasted to a street and lot layout that typifies a single-family subdivision development pursuant to subdivision regulations administered by the Planning Commission. Natural site features shall be preserved by minimizing disturbance to existing vegetation and by minimizing changes to existing topographic conditions on the site. All structures shall relate harmoniously to the terrain and to the use and scale of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.
2. Each application shall be on a form prescribed by the Zoning Commission and shall include a site plan prepared in accordance with Article Five, Section J of the Zoning Regulations. In passing upon any application for such development, the Zoning Commission shall also consider the factors set forth in Article Ten, Section A, Subsections 2 and 3 of the Zoning Regulations.

The Zoning Commission may grant a Zone Change permitting a single-family open space cluster development under this Section provided that it has made specific findings of fact that all of the criteria noted below are met by the development. Exclusive Use Areas (EUAs) may be converted to fee simple lots after approval of an application filed pursuant to this Article Ten B, in accordance with these regulations and by approval of a subdivision plan, by the Planning Commission, provided however, that a simultaneous application for subdivision approval has been filed with the Planning Commission by the applicant. If a request for subdivision is not filed simultaneously with the zoning application then future subdivision of the property is prohibited.

- a. The development shall consist of single-family houses used for residential purposes and shown on the approved site plan.
- b. The total area of the development shall be at least 10 acres under single ownership.
- c. Coverage of any Exclusive Use Area by the structures proposed to be constructed thereon, shall not exceed twenty-five (25%) percent of the area of the EUA, unless specifically permitted by the Zoning Commission, by means of Special Exception, after consideration of the standard set forth in Article Sever, Section C.9; but in no event may the lot coverage exceed thirty seven and one half (37.5%) percent.
- d. The dwelling unit density shall be no greater than the density permitted by these Regulations in the underlying residential zone. The specific number of dwelling units permitted will be determined by the Zoning Commission, after evaluating the results of two methods of computing density. The first method is the density resulting from a schematic subdivision layout that complies with the lot configuration for the zone and any other provisions as required by the Subdivision Regulations and deleting areas for the development of structures covered by floodplain and wetlands. Twenty percent of the total site should be shown as open space. The second is the density resulting from a calculation prepared in accordance with the formula below.
  - 1) Determine the total land area encompassed by the development;
  - 2) Deduct from the total land area not less than 20 percent for open space as required and as specified in the Subdivision Regulations. The land that is to comprise the 20 percent open space shall meet the requirements of Section III of the Subdivision Regulations.

- 3) Deduct from the total land area 12 percent for roads and utility easements in the R-15 Zone, 11 percent in the R-25 Zone, 10 percent in the R-40 Zone, and 8 percent in the R-80 Zone and R-160 Zone.
  - 4) Deduct floodplain land as defined by the Simsbury Zoning Regulations not included in (2) above; or, deduct land identified as floodplain by the Federal Emergency Management Agency on the Flood Insurance Rate Maps (FIRM) as Zone A and Zone B, as regulated by the latter in accordance with the Town of Simsbury Flood Damage Prevention Ordinance.
  - 5) Deduct 50 percent of the land not included in (2) and (4) above designated as inland wetlands and watercourses as shown on a map entitled "Inland Wetlands and Watercourses Map of the Town of Simsbury, Connecticut. (Adopted 12/3/83, as amended)"
  - 6) Deduct 50 percent of the land with slopes greater than 20 percent ("Steep slopes") and not included in (2) above.
  - 7) The total of items (5) and (6) above shall not be greater than 50 percent of the land that is, in the aggregate, non-wetlands, non-floodplain, non-steep slopes, and non-road right-of-way.
  - 8) Divide the total land area adjusted in accordance with the above formula by the minimum lot size of the underlying residential zone in which the site is located.
- e. The frontage of the total area of development shall be at least 200 feet on a public street. The Zoning Commission may vary this requirement by Special Exception.
  - f. An Exclusive Use Area (EUA) which shall be not more than 15,000 square feet but not including the area of the driveway leading to the EUA shall be delineated for each dwelling unit. An EUA shall be defined as a parcel of land used exclusively by the owner of the residential unit placed upon it but the ownership of the parcel constitutes less than a fee simple title to the land area.
  - g. No building shall exceed a height of thirty-five (35) feet as measured by the State Building Code method.
  - h. There shall be no less than 50 feet between adjacent dwelling units and accessory structures on adjacent EUA's.

- i. There shall be a landscaped area of 100 feet in depth around the total perimeter of the site. No planting shall be required in said perimeter, when, in the judgment of the Zoning Commission, the area is adequately vegetated. The Zoning Commission may vary this requirement by Special Exception.
- j. The balance of the site not included for roads and utility easements and not used for EUAs shall be held by a homeowners' association or be placed under Conservation restriction.
- k. Parking shall be provided in accordance with these regulations.
- l. The development shall be connected to municipal sewer and public water systems.
- m. Main circulation roads shall be constructed to Highway Construction and Design Standards for the Town of Simsbury. Widths may be varied by the Zoning Commission if recommended by the Planning Commission.
- n. Utilities shall be constructed underground.
- o. The remaining land not included as part of the 20% dedication as open space shall be dedicated to the Town as public open space, parks or playgrounds as provided in the Subdivision Regulations or at the discretion of the Zoning Commission it shall be dedicated under permanent conservation easement to the Town or other appropriate agency.

#### C. SIGN STANDARDS BY ZONES(adopted 9/18/95)

The purpose of this section is to further promote the public health, safety and welfare by providing adequate standards to control the location, height, size, number, illumination and overall design of signs. The specific requirements and standards of this section have been formulated to prevent undue distraction of motorists and pedestrians, to insure compatibility of signs with permitted land uses, to provide reasonable standards by which uses within various zones may relate their function to the general public, and to preserve the general welfare by controlling the aesthetics and attractiveness of signs in order to:

- a. protect the residential, commercial, industrial and recreational character of each zone;
- b. mitigate any negative impact on adjoining properties;

- c. assist in achieving a more desirable environment in order to maintain property value and to encourage economic growth.

The general sign guidelines and standards provided for in this section are intended to offer town residents and businesses a basic introduction to the key elements of importance in signage, as well as to encourage both creativity and innovation in sign design.

1. Residence Zones

Only the following signs are permitted:

- a. One nameplate or sign per dwelling unit giving only the name of the occupant or use of the premises not to exceed one (1) square foot and historic information signs not to exceed two (2) square feet. Condominium or Apartment complexes and housing approved under Cluster Zone Regulations may display one (1) sign not to exceed twenty (20) square feet provided such sign is shown on an approved site plan.
- b. One real estate sign not to exceed six (6) square feet in area, advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over thirty-two (32) square feet advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over (32) feet with a maximum height of six (6) feet may be allowed under a Temporary Sign Permit issued by the Zoning Enforcement Officer for a period of not more than six (6) months to advertise a [real estate development] new subdivision or cluster development.
- c. A contractor's sign not over thirty-two (32) square feet in area and a maximum height of six (6) feet when displayed on the premises, while active construction is in progress, may be allowed under a Temporary Sign Permit provided the site has received site plan approval. A temporary contractor's sign, not to exceed twelve (12) square feet in area or a height greater than three (3) feet, may be allowed under a temporary sign permit issued by the Zoning Enforcement Officer in conjunction with an active Building Permit.
- d. Bulletin boards on premises of churches and educational institutions not over twelve (12) square feet in area and shown on an approved site plan.

- e. A farm identification sign affixed to a farm structure or as a free-standing element provided, however, that the sign area does not exceed twenty (20) square feet and shown on an approved site plan. A sign identifying farm produce for sale on a seasonal basis provided that the sign does not exceed thirty-two (32) square feet and is shown on an approved site plan or a Farm Identification Sign or farm symbol painted on a wall may be permitted as a Special Exception.
- f. A sign identifying a use granted by special exception provided that the sign area does not exceed thirty-two (32) square feet and is shown on an approved site plan.
- g. Traffic directional signs and public notice and warning signs, political signs (including signs which express personal opinion about any subject), any signs required by any other code, ordinance or law i.e. Foreclosure, Liquor Permit, or going-out-of-Business signs. Such signs shall not exceed six (6) square feet or the minimum size required by the pertinent code, ordinance or law. These signs shall be removed within one week after the event to which they pertain.

## 2. Non-Residence Zones

In the Business, Professional, Office, and Industrial Zoning Districts and the Simsbury Center Zone, the following signs are permitted provided that their dimension, location, and approval complies with the conditions of this regulation:

- a. Those permitted in residence zones.
- b. Business signs for permitted uses which have received approval from the Zoning Commission through the Site Plan or Sign Plan Approval process. See Section 4 for Sign Plan Requirements
- c. Temporary window signs not to exceed an additional twenty-five (25) percent of the allowable square footage based upon the building frontage. For the purposes of this regulation, merchandise displayed in a window, with descriptive information, which is not legible from more than forty (40) feet outside of the building, shall not constitute a sign.

- d. Vehicular or Pedestrian Traffic Directional Signs which are shown on an approved Site Plan, however, the total area of traffic directional signs shall not be included in the calculations for the total allowed square footage.
- e. Signs affixed to vehicles which are used on a day to day basis by the business which they advertise (i.e. delivery vehicles, tow trucks, or vehicles which carry equipment away from the business office).
- f. Signs on property for which no Site or Sign Plans have been approved, provided a Permit has been issued by the Zoning Enforcement Officer certifying that the sign complies with the following pre-approved specifications:

Size:	No more that 24" x 30" 1 1/2" border with 1/8" inline border 1/4" from the 1 1/2" border with 1/4" concave detail in the inside edge of the perimeter trim, with 1 1/2" inverted radius corners.
Colors:	Backgrounds shall be white or off-white (10 parts white to 1 1/2 parts ivory). Border colors shall be dark green, maroon or black.
Materials:	The sign shall be made of wood.
Lettering:	Optima style print letters in black Letters - 3" high, maximum Numbers - 1 1/2" high, maximum
Contact:	3 lines, maximum, for business name, street number at bottom center with a black horizontal line separating the business name from the street number.
Mounting:	Wall Arm Posts All mounts must be painted the same color as the border or the background of the sign.

### 3. Sign Design Standards

The following design standards shall be utilized in evaluating proposed signs in all zones:

- a. Each lot or combination of lots shown on one common site plan shall be allowed one (1) free standing sign. The total area of all wall, canopy and free standing signs shall be one (1) square foot of signage for every running foot of building frontage(s) except that in no case shall any free standing sign be more than thirty-two (32) square feet.
- b. Wall signs shall not exceed two-third ( $2/3$ ) of the length of the building frontage, but in no case, shall exceed the total sign area specified in Subsection 3.a. above.
- c. Free standing signs shall not exceed ten (10) feet in total height (including all supporting structures), as measured at the average grade, or twelve (12) feet in length (including all supporting structures). The minimum height from the ground to the bottom of the sign area shall be twenty-four (24) inches.
- d. Free-standing signs shall be adequately landscaped at ground level for a minimum horizontal distance of four (4) feet from the base and a minimum vertical distance of twelve (12) inches from ground level. Plant material shall consist primarily of low-growing evergreen shrubs, however, low-growing deciduous shrubs, annuals and/or perennial flowering plants and/or groundcovers may be used in the planting bed.
- e. Signs attached to walls shall not project more than fifteen (15) inches from the surface to which they are attached.
- f. Except as may be required by Building, Fire or other Life Safety Code, no sign shall be attached to any tree, fence, utility pole or be permitted to be painted directly onto any pavement or opaque wall of any building or structure. Permanent signs limited to letters, numbers and logos shown on an approved Sign or Site Plan may be affixed to window. Temporary signs may be affixed to windows as allowed in Section C.2.c.
- g. All signs allowed under this section shall be located within the property lines of the site that they are intended to serve. In no case shall any part of the sign or supporting structure project beyond the property line.



- h. Signs may be externally lighted or back-lit, but shall be designed so as not to allow any light to project through the face of the sign nor shall the lights themselves make up the lettering.
- i. Any property containing more than two (2) businesses shall submit a unified sign plan. Multiple signs required for multiple uses on single zoning lots or multiple uses shown on a combined site plan shall be limited to the square footage specified in this section and further shall be limited to one (1) wall or canopy sign per use and one (1) free-standing sign for the total parcel. The Commission may, by Special Exception, allow more signs where, in its judgment, the specified use and its related sign requirements are of such peculiar or extraordinary nature as to require such variation.

See Section 7. for specific prohibitions

#### 4. Sign Plan Requirements

Submit an application for the sign plan along with the required fee. The application must include:

- a. A map of the property, or at least enough of the property to clearly indicate where the sign will be erected;
- b. A detailed plan of the proposed sign showing the dimensions, colors, and materials of the sign and all supporting structures, the lighting and the landscaping (a full color drawing would be helpful).

The Commission shall consider the size, scale, landscaping, and support of the sign in relation to its specific location, purpose of the sign, other buildings and signs in the immediate vicinity and how closely the sign conforms to the Town of Simsbury's Design Guidelines.

#### 5. Temporary Signs

##### a. Temporary Outdoor Signs for Public Purposes

Temporary outdoor signs for charitable, civic, or non-profit purposes shall be permitted in all zones by Permit issued by the Zoning Enforcement Officer under the following conditions:

1. A Temporary Sign Permit is issued by the Zoning Enforcement Officer. The application, which clearly states the size and location of the sign(s) and clearly indicates that the owner of the property has approved of the sign's posting, must be completed and signed by the applicant.
2. No permit shall exceed sixty (60) days and the sign shall be removed by the applicant upon expiration of the Permit.
3. No temporary sign authorized under this sub-section shall exceed 32 square feet.

b. Temporary Signs for Business Purposes.

The following temporary signs shall be allowed by Permit from the Zoning Enforcement Officer in the Simsbury Center Zone, the Professional Office Zone, all Business Zones (B-1, B-2, B-3), and the Industrial I-1 and I-2 Zones.

1. Temporary sign in lieu of a permanent sign which is pending before the Zoning Commission or an approved sign which is under construction; under the following conditions:
  - i. A Temporary Sign Permit is issued by the Zoning Enforcement Officer. The application, which clearly states the size and location of the sign(s), must be completed and signed by the applicant;
  - ii. The temporary sign shall be affixed to the exterior of the structure or located within the structure and visible from the exterior and shall not exceed thirty-two (32) square feet;
  - iii. No Permit for this type of sign shall be valid for more than ninety (90) days or until the permanent sign has been installed. The sign shall be removed upon expiration of the Permit;

- iv. If a new business is opening, or an existing business coming under new ownership or management on a lot which has a previous sign approval, this section may be utilized to post a sign announcing that information, however, in this case, no Permit shall be issued for more than ninety (90) days.

## 2. Temporary Signs to Advertise Special Business Events.

One temporary free-standing sign per business advertising a special sale, promotion, or other important business events shall be permitted four (4) times per calendar year under the following conditions:

- i. A Temporary Sign Permit is issued by the Zoning Enforcement Officer which clearly states the size and location of the sign(s), must be completed and signed by the applicant;
- ii. Such sign shall not be more than twelve (12) square feet in area nor be more than four (4) feet in total height;
- iii. Permits shall be issued in fourteen (14) day increments;
- iv. No sign shall be placed within the right-of-way of any town or state road nor obstruct the sign line of any intersection;
- v. All signs must be in good repair, and have a professional appearance
- vi. No sign allowed under this subsection shall be within one hundred fifty (150) feet of another sign allowed under this subsection.

This entire Subsection titled "Temporary Signs to Advertise Special Business Events" shall be automatically repealed on **January 1, 2000 (amended 1/03/00)** unless the Commission agrees to extend this Subsection by Public Hearing.

6. Permanent Signs for Identification or Public Purposes

Permanent signs for municipal, civic, institutional, charitable purposes or signs to identify a subdivision or for nonprofit purposes are permitted as a special exception in any zone following a public hearing, subject to the conditions listed below:

- a. Written permission from the property owner or agency having jurisdiction over the property where the sign is to be located shall be obtained.
- b. No sign shall exceed twenty (20) square feet, but both sides may be used for a total display area not to exceed forty (40) square feet.
- c. All signs specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways" by the U. S. Department of Transportation, Federal Highway Administration, as amended, shall be exempt from the provisions of this section.

7. Sign Prohibitions: The following signs are prohibited:

- a. Any sign, in any zoning district where a site plan is required, which is not shown on an approved Site Plan or Sign Plan unless such sign is a temporary or pre-approved sign for which a Permit has been issued by the Zoning Enforcement Officer.
- b. Any sign that no longer advertises a bona fide business, product, service or activity being conducted. Such sign shall be taken down and removed from the premises by the owner or his agent thirty (30) days from cessation of the activity.
- c. Movable or portable signs, including those which may be attached to a vehicle when such vehicle is not an integral part of the operation of the business which the sign advertises.
- d. Signs which allow light to project through the face of the sign or where the lights themselves make up the lettering or symbols. Also signs which have flashing, rotating, or other forms of intermittent lighting.

- e. Signs which rotate or are otherwise designed to move.
- f. No sign shall be erected, altered, refurbished or otherwise modified after the effective date (1990) of this regulation except in accordance with these regulations and after the receipt of a sign Permit issued by the Zoning Enforcement Officer. Signs which are lawfully non-conforming with respect to these regulations may be maintained and repaired without the need for any permit from the Zoning Enforcement Officer except that the signs shall not be changed in any manner which would increase their non-conformity.

#### D. EARTH EXCAVATION

1. The excavation and removal of sand, gravel, stone, loam, dirt, or other earth product is permitted as Special Exception in all zones upon written permission of the Zoning Commission after public hearing, except the following activities may be undertaken without a permit provided no dangerous condition is created or one which damages the surrounding land or lowers its value:
  - a. Excavation and removal of less than twenty-five (25) cubic yards of material from any single parcel of land recorded as such in the office of the Town Clerk.
  - b. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
2. Screening, sifting, washing, crushing, or other activities incidental to processing, or the erection of principal and accessory buildings or structures relating to such operations will be permitted only in the I-3, Earth Excavation Zone.
3. Procedure
 

Application for a permit to excavate or remove any of said products shall be made to the Zoning Commission by the property owner or his authorized agent on forms provided by the Zoning Commission. The Commission may require that the application be accompanied by a plan of operations including one or more of the following maps, plans, and specifications:

  - a. Location of the premises, lands immediately surrounding, and the amount of materials to be excavated or removed.

- b. Grading plan showing contours in the area to be excavated and proposed contours after excavation. Such plan must also include the topography of the area surrounding to be excavated within a distance of three hundred (300) feet from all sides of the area.
  - c. Existing and proposed drainage of the site.
  - d. Proposed truck access to the excavation.
  - e. Number and types of trucks and other machinery to be used on the site, hours of operation as well as the locations and types of any buildings to be erected.
  - f. Details of regrading and revegetation of the site at the conclusion of the operations.
4. The Zoning Commission shall approve the plan and grant the permit only when it is satisfied that the following conditions will be complied with in the undertaking of such excavations:
- a. The premises shall be excavated and graded in conformity with the plan as approved and any deviation from the plan shall be cause for the Zoning Commission to revoke the permit.
  - b. The applicant shall file with the Zoning Commission a performance bond in such amount as a competent engineer shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth by this regulation.
  - c. No fixed machinery shall be erected or maintained within 200 feet of any property line or street line.
  - d. No excavation shall take place within one hundred (100) feet of any property line or within two hundred (200) feet of any street line if the excavation is below the established grade of the street.
  - e. No building shall be erected on the premises except in an I-3 Zone or except as temporary shelter for machinery and field office.
  - f. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

- g. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Zoning Commission for the protection of pedestrians and vehicles.
  - h. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be provided with a dustless surface.
  - i. Proper measures, as determined by the Zoning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitation upon the practice of stockpiling excavated materials upon the site.
  - j. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal/vertical). A layer of arable topsoil of a quality approved by the Town Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Zoning Commission.
  - k. Where application for excavation for adjoining properties are filed, the Commission may consider them as one application in regard to paragraphs e, g, and j above.
5. Any permit shall expire two (2) years from the date of issuance unless renewed by the Zoning Commission. The Zoning Commission shall not renew or extend any permit unless the operator is able to show, through the report of a certified engineer, that the excavation already completed conforms with the plan of operations as approved.

## E. OFF-STREET PARKING REGULATIONS

### 1. Parking Spaces

An application for a building permit for the erection or enlargement of any building or structure for which off-street parking is hereinafter required, or an application for uses requiring a public hearing or site plan approval shall be accompanied by a scale plan of not less than 1" = 40' showing parking area and space, including the means of access and interior circulation and traffic control.

2. Description of Parking Spaces and Areas

Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways and aisles. No area shall be credited as a parking space which is in any part also credited or used as a loading space. All required parking spaces, except for single-family residences, shall be located on paved surfaces, drained and permanently marked to delineate individual parking spaces. Parking areas shall be maintained by the owner of the premises.

3. Location of Parking Areas

Parking spaces and circulation drives shall not be located within twenty-five (25) feet of the front property line or within fifteen (15) feet of the side property line or within ten (10) feet of the rear property line. Where parking areas abut a residential zone, parking spaces and circulation drives shall not be located within the front, rear, or side yards.

The Zoning Commission may require landscaping, planting, parking islands, and site improvements to reduce the visual and noise impacts of parking areas.

Parking spaces as required shall be located either on the same lot with the principal use to which it is accessory or within a radius of five hundred (500) feet of any part of the property which it is intended to serve, provided however that the area is of the same zoning classification. Joint use of off-street parking facilities is recommended and permitted provided that the amount of such facilities shall not be less than the sum of the various users computed in accordance with the requirements of this section.

4. Parking Space Requirements

In all zones, permanently maintained off-street parking spaces shall be provided in accordance with the following Parking Space to Gross Floor Area Ratios. The Zoning Commission shall determine the parking requirement where a specific use is not listed by determining a similar use.



PARKING SPACE RATIOS

Use	Minimum (1) Requirement	Parking Spaces each 500 Gross Floor Area Footage (2)
Single Family D. U.	2 per D. U.	
Multi Family D. U.	2 per D. U.	
Hospital		2.
Sanitarium		2.
Nursing Home		2.
Corporate Office Headquarters (5)		1.5
Commercial Office		2.5
Commercial Recreation		.75
Medical Office		3.3
Retail Stores (3)		3.3
Shopping Centers (4)		2.75
Day Care Facility		1.
Dairy Bars		3.3
Restaurants		3.3
Clubs		3.3
Grills		3.3
Places of Amusement	1 per 3 seats	2.
Public Assembly		2.
Funeral Homes		10.0
Industrial		1.
Manufacturing		1.
Wholesale Trade		.25
Warehousing		.25
Storage, Retail		2.5
Auto Showrooms		5.
Auto Body Shops		2.
Computer Facilities		.5

- (1) Minimum requirements shall be in addition to other parking requirements.
- (2) Gross floor areas shall not include unfinished basements.
- (3) Retail stores up to 10,000 gross square feet.
- (4) Retail stores over 10,000 gross square feet.
- (5) Corporate Office Headquarters over 50,000 gross square feet.

## 5. Special Exception to Parking Requirements

The Zoning Commission may, after public notice and hearing, grant a Special Exception to the "Off-Street Parking Regulations" to:

- a. Decrease the number of parking spaces required up to 50 percent by creating a future reserve parking area shown on the site plan, or
- b. Reduce the required dimensions of the individual parking space on up to 50 percent of the required spaces,
- c. Modify the surface construction requirements of the proposed reserve area to decrease storm water run-off and increase groundwater infiltration.
- d. Modify the surface construction requirements to allow alternative all-weather surfaces.

The Commission may require a site plan prepared in accordance with Article Five, Section J and information concerning the number of employees, visitors, and other persons expected to use the parking area. In considering the request for Special Exception, the commission shall consider the standards set forth in Article Seven, Section C, Number 8. As a condition of approval for a decrease in the number of parking spaces required, (a) above, the site plan shall stipulate that the owner and all successive owners will install any or all of the reserve spaces, as the Commission deems necessary within six (6) months of the Commission's request.

## F. OFF-STREET LOADING REGULATIONS

1. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, one (1) loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.
  - a. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

- b. No such spaces shall be located closer than fifty (50) feet to any other lot in any residential zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

#### G. COMMERCIAL GARAGES AND SERVICE STATIONS

1. No permit shall be issued for the erection or enlargement of facilities for automobile sales, repair, storage, service, or washing, or for the conversion of any premises not so used for such purposes, if any part of the lot is situated within a 400-foot radius of any part of a lot used for a school, public playground, church, hospital, public library, or institution for children. No existing facilities for automobile sales, repair, storage, service, or washing shall be decreed to become a non-conforming use through the subsequent erection of such uses.
2. On all corner lots, all vehicular entrances to or exits from, and curb openings shall be set back a minimum of twenty-five (25) feet from the corner property lines. All curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line and thirty (30) feet at the property line. There shall be a minimum of any series of driveways.

#### H. REGULATIONS GOVERNING USES WHICH SELL ALCOHOLIC BEVERAGES

Permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case

1. The sale of alcoholic beverages may be permitted by the Zoning Commission by Special Exception. Such Special Exception shall pertain to a specific location and a specific class of permit, as defined by the State Liquor Control Act.
2. In considering the proposed liquor outlet, the Commission shall be guided by the following:
  - a. The need for the proposed use in the proposed location.
  - b. The existing and future character of the neighborhood in which the use is proposed.
  - c. Traffic which is likely to be generated by the proposed use.

- d. Safeguards necessary to protect adjacent property and the neighborhood in general.
- 3. A retail use or outlet selling alcoholic liquor having a lawfully existing location may be relocated within one thousand (1,000) feet of its existing location without the need for another Special Exception providing that the new location is also within a zone which permits the sale of alcoholic liquors and providing that the new location does not exceed the limits imposed by Subsection 4 below. No use selling or dispensing alcoholic liquor located in a Residential Zone shall be moved to a new location in a Residential Zone.
- 4. Any change in the class of permit issued by the State of Connecticut, or an enlargement of the use which exceeds ten (10) percent of the gross floor area originally approved under this section or existing prior to July 1964, shall be considered a new use, and application for approval under this section is required.
- 5. All applications submitted under this section shall be accompanied by a site plan prepared in accordance with Article Five, Section J. All applications must state, specifically, what class of permit will be applied for from the Department of Liquor Control.

## I. HEALTH CARE FACILITIES

The Zoning Commission may after public notice and hearing grant a Special Exception to develop a health care facility in any zone.

### 1. Procedure

Applications for such Special Exceptions shall be made on forms provided by the Commission and shall include a site plan prepared in accordance with Article Five, Section J. All such applications shall be accompanied by evidence satisfactory to the Commission that all necessary licenses and permits from the Connecticut State Department of Health for the operation and maintenance of the proposed use either have been issued or will have been issued by the time the Commission decides the application. The Commission shall utilize criteria contained in Article Ten, Section A, Subsections 2 and 3 in evaluating the application.

### 2. Location

No site shall be approved unless it is on or within three hundred (300) feet of a road classified as arterial as set forth in the Simsbury Plan of Development and unless it is connected to public water and sewers.

3. Area and Site Requirements

Minimum Parcel Size	Twenty (20) acres
Maximum Coverage	25 percent
Maximum Density	Eight (8) patient beds per acre*
Minimum Frontage	200 feet
Minimum Side/Rear Yard	In no case shall any structure or parking area be located less than one hundred (100) feet from any property line
Maximum Building Height	Two (2) stories or thirty-five (35) feet. No accessory structure may exceed the height of fifteen (15) feet.

\*Independent living units shall be counted as two (2) beds for each efficiency unit or two (2) beds per bedroom.

4. Other Site Requirements

Buildings shall be sited and landscaping and buffer areas provided to assure maximum privacy to the patients and adjoining uses.

5. Parking Areas

Parking spaces shall be provided at the rate of 0.75 spaces per patient bed.

6. Open Spaces

Suitable recreation facilities appropriate in function and area to the needs of the residents shall be provided.

7. Drives and Access and Egress Points

Internal circulation shall provide for the easy movement of vehicles, pedestrian traffic including handicapped pedestrian movement, and convenient access of emergency vehicles. All internal circulation roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury.

## 8. General

No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, tend to have a depreciating effect on the neighborhood properties, or is not in keeping with the stated intent of these regulations.

## J. AQUIFER OVERLAY ZONE

### 1. Purpose

The purpose of the Aquifer Protection Zone is to protect the public health, safety, and welfare and to preserve the quality and quantity of the town's groundwater supply. This is accomplished by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

### 2. Boundaries of the Aquifer Protection Zone

All land areas covered by these regulations are identified as aquifer and aquifer recharge areas and shown on a map entitled "Town of Simsbury Aquifer Protection Zones, as amended, dated 3/19/90". The map may be amended from time to time in accordance with the procedures outlined in the General Design Requirements for Uses in an Aquifer Protection Zone which can be obtained from the Planning Department, Town Hall.

Aquifers and aquifer recharge areas were identified in accordance with the methodology outlined in "Delineating Recharge Areas for Stratified-Drift Aquifers in Connecticut with Geologic and Topographic Maps" by Elinor H. Handman.

### 3. General Provisions

Within an Aquifer Protection Zone, no land shall be used or structures erected, constructed, expanded, converted, altered, or used except in conformance with this section and all other requirements of the underlying zone. All applications for uses or structures within the Aquifer Protection Zone shall be subject to site plan requirements under Section II of the General Design Requirements for the Aquifer Protection Zone.

### 4. Prohibited Uses

Because of their associated dangers to public or private water supplies, the following uses are prohibited in any aquifer protection zone:

Loading, disposal or storage, whether exterior above ground or underground, of any hazardous material, hazardous waste, petroleum product, road salt, fertilizer, herbicide, or pesticide in amounts greater than would be used for residential purposes unless such unloading, disposal, or storage is regulated by other sections of this regulation through the site plan process.

Any and all new commercial or industrial uses of hazardous materials without approved controls and mitigating measures where no such use previously existed.

Disposal of hazardous waste in landfills or any similar type of facility

Disposal of septage, brine, industrial wastewater, or sludge onto land

Residential sanitary wastewater discharge to on-site septic systems at a rate greater than 450 gallons per 40,000 sq. ft per day

Injection wells of any type and for any purpose

Chemical manufacturing or processing

Furniture stripping operations

Junk yards and salvage operations

Metal heat treating operations

Metal cleaning and metal plating operations

Swimming chemical vending and/or storage

Solvent processing operations

Contractor storage yards

Truck and fleet terminals and warehouses

Commercial lawn care businesses and related storage areas

Warehouse, wholesale, or exterior storage

5. Restricted Uses

Certain uses, which are considered to be potentially damaging to an aquifer or aquifer recharge area, including, but not limited to the following, are subject to restrictions in addition to those imposed by the underlying zone. These shall be approved according to the provisions of the special exception:

Agricultural operations

Automotive service operations (including gas stations)

Appliance service shops

Beauty shops and nail facilities

Community or industrial septic systems

Vehicle washing facilities

Commercial painting and/or coating operations

Dry cleaning operations, commercial laundries, and/or laundromats

Excavation, filling, or removal of earth materials, except that which is permitted by a building permit

Golf courses

Medical research laboratories, and/or analytical laboratories

Residential uses greater than one unit per acre

Firearm ranges

Veterinary hospitals, kennels, and dog grooming facilities

Photo chemical developing operations

Sales of hazardous materials

Restaurants and cafeterias

Commercial self-storage facilities



Application of pesticides, herbicides, fertilizers, or similar materials from airborne equipment

## 6. General Design Requirements for Uses in an Aquifer Protection Zone

The following general requirements shall apply in the Aquifer Protection Zones. Information necessary to ensure compliance with these regulations shall be included with an application to the Zoning Commission. Any modification to an approved site plan or existing use affecting any requirement of these regulations shall require approval by the Zoning Commission and review by the Conservation Commission.

### A. Residential Uses

The following conditions are in addition to existing Subdivision Regulations:

1. Individual lots with on-site septic systems shall be at least 40,000 square feet in size or connected to a public sewer.
2. Community septic systems are restricted.
3. All apartment buildings or residential units which are regulated under the village cluster or single family cluster regulations shall be served by sewers.
4. Burial of underground petroleum liquid, diesel fuel, and gasoline storage tanks is prohibited.
5. In the secondary and tertiary aquifer recharge areas, site stormwater drainage shall be designed for maximum aquifer recharge in compliance with the Town of Simsbury's Master Drainage Study except where stormwater may be contaminated.

### B. Agricultural Operations

1. Agricultural operations are considered a restricted use and will be subject to regulation where:
  - a. The use is new to a building or section of the land. The expansion of crop or pastureland will not be considered an expansion unless subject to other portions of the zoning regulations.

- b. The use expanded with the building of additional structures
- 2. In accordance of the requirement of Public Act 89-305, a Farm Resources Management Plan which has been approved by the Department of Environmental Protection and/or The Hartford County Soils and Water Conservation District shall be considered to meet the provisions of this regulation.
- 3. If such a plan has not been submitted and approved, the applicant shall submit an application with the requirements of the commercial and industrial uses. Such application will be reviewed by The Hartford County Soil and Water Conservation District for its review as to the best management practices for agricultural practices.

C. Commercial and Industrial Uses

The following requirements are in addition to existing requirements applicable to commercial or industrial areas.

- 1. All parking, driveway, and loading areas shall be paved. Paved areas shall be adequately curbed to prevent unprotected runoff onto adjoining lands. Unless required under site plan approval, farm roads shall be exempt from this regulation where traffic is limited to farm vehicles.
- 2. In the secondary and tertiary aquifer recharge areas, site stormwater drainage shall be designed for the maximum on-site aquifer recharge in compliance with the Town of Simsbury's Master Drainage Study except where stormwater may be contaminated.
- 3. Petroleum, chemical and hazardous waste storage and disposal conditions incidental to those uses which are in the restricted use list:
  - (a) Chemical and waste storage tanks located above ground shall have an impervious containment berm/dike with an impervious base surrounding the tank(s). Containment dikes for most chemicals shall be coated concrete or coated metal and shall be of adequate holding capacity to retain at least

110 percent of the tank's capacity. For outside storage, the tank and dike shall be protected with a permanent roof to prevent rainwater accumulation. Other requirements may be deemed necessary by the Town of Simsbury Planning, Building, and/or Engineering Departments, the Fire Marshal, or the Farmington Valley Health District, and may be updated from time to time.

- (b) Drum or other container storage areas shall have an impervious containment dike with an impervious base surrounding the storage area. Containment dikes for most chemicals shall be coated concrete or coated metal and shall be of adequate holding capacity to retain at least 110 percent of the container(s) collective capacity. All drums shall be sealed or covered. For outside storage, drums or other containers shall be protected with a permanent roof to prevent rainwater accumulation.
- (c) Other storage areas not included in the previous sections shall provide acceptable containment.
- (d) Dumpsters utilized in conjunction with uses regulated under this section shall be covered or located within a roofed area and on a paved surface and shall be water tight.
- (e) A complete list of all chemicals, pesticides, fuels, or other potentially hazardous material to be used or stored on the premises, other than those associated with normal household use, shall be provided as part of the site plan application. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage, and spillage shall also be provided in addition to a plan for the control of spilled materials.

- (f) All generators of hazardous waste shall apply for and obtain all necessary permits and registrations required by the U.S. Environmental Protection Agency (EPA) and the CT Department of Environmental Protection (DEP).
- (g) All generators of hazardous waste shall provide upon request to agents of the town information regarding the specific types of hazardous waste, and a plan for collection, transportation, and ultimate disposal of said waste consistent with the best available management practices by a registered hauler as defined and licensed by EPA and DEP.
- (h) Disposal of hazardous materials into the municipal sanitary sewers is prohibited until appropriate reviews and approval are obtained from the Simsbury Water Pollution Control Authority and DEP.

#### 4. Floor Drains

- (a) No interior floor drains from any process or storage area where possible contaminants are handled shall be directed to any aquifer recharge area, stream, wetland, storm drain, or subsurface leaching system.
- (b) No interior floor drains from any process area where possible contaminants are handled shall be directed to a sanitary sewer without adequate pretreatment as required by the CT DEP and the Simsbury Water Pollution Control Authority.

#### 5. Underground Storage Tanks and Facilities

- (a) All underground containers and distribution lines for the storage of liquid fuels or other hazardous liquids shall be installed, repaired, or replaced in accordance with applicable state and federal laws and regulations.
- (b) Such tanks shall be equipped with monitoring devices and failure detection systems and protected internally and externally from structural failure.

- (c) All underground storage tanks shall be of a material in compliance with current approved CT DEP standards.
- (d) The installation of such tanks, facilities, and systems shall be done strictly in accordance with the manufacturer's specifications. Installations shall be inspected by the Building Inspector, and this official must witness a test of the facilities for tightness before they are covered. If a failure is detected, work shall not proceed until the failure is remedied and the system retested. The Zoning Enforcement Officer shall have the right to periodically inspect the underground tank.
- (e) The materials used for underground storage systems must be appropriate for and chemically compatible with the materials stored.

## 7. Application Procedures and Requirements

The information required for application in the aquifer Protection Zone shall be in addition to the requirements for any other special exception or site plan requirements contained in other sections of the zoning regulations for other zoning districts.

- A. Site plans and supporting documents shall be provided and contain sufficient information to show compliance with the site development and management criteria of these regulations. All applications in the Aquifer Protection Zone shall include at least the following:
  - 1. Layout plan showing the location of all buildings, parking areas, entrance and exit drives, loading areas, floor drains, hazardous materials/waste storage areas and associated containment device/structure(s) etc. at a scale of not less than 1" = 40' and on sheets no larger than 24" x 36".
  - 2. Engineering plan prepared by a licensed civil engineer showing existing and proposed contours at two foot intervals, proposed site drainage, sanitary sewers and/or septic field location, all utilities including existing and proposed fire hydrants at a scale of 1" = 40' and on sheets no larger than 24" x 36".

3. A building floor plan(s) showing the location of all storage or containment areas and facilities, emergency equipment related to each storage area, process areas, and building exits. Storage areas shall be identified according to their use and material stored. Building plans shall be at an appropriate scale on sheets no larger than 24" x 36".
  4. Construction details shall be provided at an appropriate scale for all containment facilities, drainage facilities including catch basins and detention basins, water and septic/sewer facilities. Calculations, details, and profiles shall be provided for all drainage design systems. All storage and containment facilities shall be described by the type of materials stored, the quantity of the containers, and the volume of containment areas.
- B. A comprehensive description of the amount and composition of any and all hazardous materials that are manufactured, generated, stored, discharged, used, or transported on to or from the site. If the applicant can certify to the Zoning Commission that materials used or stored on the premises can be considered as part of a trade secret as defined in Section 1-19(B) of the Connecticut General Statutes, an application will be considered as confidential. Such description shall be submitted separately and will be kept in a separate file. Only designated Town Officials shall have access to the file.
- C. A detailed description of the amount and composition of all industrial or commercial waste, including fly ash, and the proposed method of disposal of such wastes. The Commission shall prohibit any on-site disposal of materials which are found to pose a threat of contamination to the aquifer.
- D. A hazardous materials management plan shall be submitted to include:
1. Emergency Spill Plan: An in-depth emergency spill procedure must be formulated as part of the plan that identifies and describes the following major topics:

Emergency procedures  
 Notification of state and local officials  
 Spill containment procedures  
 Cleanup  
 Disposal  
 Report of cleanup operation  
 Under state or federal regulations, A Contingency Plan, and  
 Emergency procedures plan prepared pursuant to 40 CFR part 264 subpart D 9 and any amendments thereto, such plan can be submitted if an applicant has to prepare such.

An updated plan must be approved by the Commission whenever there is a change in procedures, technology, materials used, stored or processed or waste generated. The plan shall be reviewed by the town staff and the Zoning Commission. Any recommendations made by the town staff or the Zoning Commission shall be incorporated into the plan.

#### 8. Boundaries of the Aquifer Protection Zone

All land areas covered by these regulations are identified as aquifer and aquifer recharge areas and shown on a map entitled "Town of Simsbury Aquifer Protection Areas, as amended, dated 3/19/90'.

Aquifers and aquifer recharge areas were identified in accordance with the methodology outlined in "Delineating Recharge Areas for Stratified-Drift Aquifers in Connecticut with Geologic and Topographic Maps" by Elinor H. Handman.

Where the bounds of the aquifer protection areas are in dispute, the burden of proof shall be upon the owners of the land in question to show that the disputed area is not in the aquifer protection zone. Such proof shall be in the form of:

- A. A map prepared by a professional engineer and land surveyor to a Class A-2 standard of accuracy at a scale of 1 inch = 800 feet showing:
  - 1. contour lines at two-foot intervals
  - 2. proposed boundary and existing boundary
  - 3. test locations
  - 4. depth of bedrock

- B. A report prepared by a geologist or licensed civil engineer outlining:
  - 1. soil conditions
  - 2. surface and subsurface hydrology
  - 3. tests and/or other information used to determine the proposed boundaries
  
- C. Such information shall be submitted to the Planning Department for Conservation Commission receipt at least three working days prior to a regularly scheduled Conservation Commission meeting. There shall be a public hearing on any proposed changes to the aquifer map within 90 days after receipt of an application for such change. The hearing must be completed within 45 days, and a decision rendered within 65 days of the close of the public hearing. Notice of the decision of the Commission shall be published within 15 days of the decision, and the applicant shall be notified of the decision by certified mail within 15 days of the decision.

9. Approval by the Zoning Commission

Every application for Zoning Commission approval within the Aquifer Protection Zone shall be transmitted to the Conservation Commission for review. The Conservation Commission shall make a report to the Zoning Commission on the consistency of the proposal with standards contained in the technical report entitled "General Design Standards for Land Use Activities in an Aquifer Protection Zone" as stated in No. 6 above.

10. Administration and Enforcement

Before any site, use, or building can be altered, converted, expanded, or otherwise changed, the Zoning Enforcement Officer shall issue a certificate of zoning compliance indicating the requirements of this section have been met.

All non-residential uses within this zone shall be subject to periodic inspection by agents of the town to verify adherence to the regulations.

11. Non-Conforming Uses

All buildings and uses which do not conform to the use or development standards of these regulations shall be considered legal and non-conforming upon the effective date of the adoption of these regulations unless further restricted under local ordinance or the use is discontinued for a year or more.



## 12. Use Variances

The Zoning Board of Appeals shall not be permitted to grant use variances in the Aquifer Protection Zone.

## K. ASSISTED LIVING FACILITY, CONGREGATE SENIOR HOUSING FACILITY (adopted December 6, 1999)

### 1. Intent

The purpose of an Assisted Living Facility or Congregate Senior Housing Facility is to provide an alternative living arrangement to meet the special needs of the population over 55 years of age, including those who are physically or mentally handicapped or who need supportive care. Supportive care, (such as meal services, assistance with activities of daily living, and transportation), may be provided to an individual on a permanent or temporary basis and may vary from little or no services for an individual, to full supportive services, depending upon the needs of the individual. This provision recognizes housing and care facilities for those age 55 and over as having less impact than other higher density housing options, and therefore meriting separate consideration. Furthermore, provision of specially designed housing units under this regulation is in keeping with the goals and objectives for housing diversity as set forth in the 1994 Plan of Conservation and Development for the Town of Simsbury. In approving this section, the Commission finds that all such facilities are best located in transitional areas between residential neighborhoods and business or commercial areas, and adjacent to arterial streets. Said facilities shall be designed to be of similar scale, mass, and architectural design of surrounding residential land uses.

### 2. Procedure

The Zoning Commission may after public notice and hearing grant a Special Exception for the construction of an Assisted Living Facility or a Congregate Senior Housing Facility in any applicable zone. Applications for such Special Exceptions shall be made on forms provided by the Commission and shall include a site plan prepared in accordance with Article Five, Section I. The Commission shall utilize criteria contained in Article Ten, Section A, Subsections 2 and 3 in evaluating the application.

### 3. Location

No site shall be approved unless it is on or within three hundred (300) feet of a road classified as arterial as set forth in the Simsbury Plan of Development.

4. Utilities

Proposed sites shall be serviced by public water and public sewers with documented capacity and allocation to serve the proposed facility.

5. Other Site Requirements

Buildings shall be sited and landscaping and buffer areas provided to assure privacy to the residents and adjoining uses. The Zoning Commission shall have the authority to determine if the architectural design, scale and mass of buildings, including exterior building materials, colors, roof lines, and building elevations is of a character to harmonize with and preserve the appearance of the surrounding area. Mechanical equipment and refuse containers shall be screened from view.

6. Drives and Access and Egress Points

Internal circulation shall provide for the easy movement of vehicles, pedestrian traffic including handicapped pedestrian movement, and convenient access of emergency vehicles. All internal circulation roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury. At the Commission's discretion, said standards may be reduced in order to maintain a design which is consistent with or complements the character of the Town of Simsbury.

7. Building Types

A structure or groups of structures may include any one or a combination of the following: (i) a free standing building containing multiple residential units; (ii) groups of buildings containing multiple residential units; (iii) groups of buildings with a maximum of four attached units and/or single unit buildings.

8. General

No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, or is not in keeping with the stated intent of these regulations.

9. Age Restrictions

Occupancy of Assisted Living Facilities and Congregate Senior Housing Facilities is restricted to those 55 or older to the extent allowed by Federal and State Fair Housing laws and any other applicable laws and subject to the following exceptions:

- a. If a couple occupies a unit, one member of the couple must meet the minimum age limit as defined by Federal and State Fair Housing laws and any other applicable laws; and
- b. A dwelling unit may be occupied by the surviving member of a household, regardless of age and any other applicable laws; and
- c. The operator of the facility shall verify, on an annual basis, to the Zoning Enforcement Officer that the facility is in compliance with the age requirements of this Section. Such verification shall include submittal of copies of any reports, forms or other documents required to be maintained and/or submitted pursuant to and evidencing compliance with Federal and State Fair Housing Laws.

#### 10. Bulk, Area, and Site Requirements

Minimum Parcel Size	5 Acres
Maximum Coverage	
Residential Zones	25%
Non-residential Zones	As Required in Underlying Zone
Maximum Density	Lot Area Per Unit
Assisted Living Facility	2,000 Square Feet/Unit
Congregate Senior Housing	3,000 Square Feet/Unit
Minimum Frontage, Overall Parcel	200 Feet
Minimum Yards, Residential Zones	
Front	100 Feet
Side	100 Feet
Rear	100 Feet
Minimum Front Side/Rear Yard. Non-residential Zones	As Required in Underlying Zone
Maximum Height	As Required by Underlying Zone
Distance Between Buildings	50 Feet
Parking Standards	
Assisted Living Facility	1 Space Per 2 Units
Congregate Housing Facility	1 Space Per Unit

## ARTICLE ELEVEN

### ADMINISTRATION

#### A. ADMINISTRATION AND ENFORCEMENT

The Building Inspector and the Zoning Enforcement Officer designated by the Commission shall be the administrative officers for the enforcement of these regulations.

If the Building Inspector or Zoning Enforcement Officer shall find that any of the premises of this regulation are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto, discontinuance of any illegal work being done; or shall take any action authorized by this regulation to insure compliance with or to prevent violation to its provisions. Penalties for illegal acts shall be as provided in the General Statutes and Special Acts of the State of Connecticut.

#### B. BUILDING PERMITS

No building or structure shall be erected, altered, or moved until an application therefore shall have been approved by the Building Inspector and a written permit issued. The application for permit shall contain all the information necessary for a decision that the proposed building, alteration, or use complies with the provisions of these regulations and stakes or markers shall be fixed on the lot to indicate the relation of lot lines to the proposed buildings. Nothing herein contained shall require any change in the plans, construction or use of a building for which a building permit has been issued or for which plans were filed with the Zoning Commission before the effective date of these regulations.

#### C. CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no building thereafter erected or altered or moved shall be occupied or used in whole or in part for any purpose until a Certificate of Occupancy has been issued by the Building Inspector, stating that the use of the land or building complies with all provisions of these regulations. Such a certificate is required for any change or extension of a use. The Certificate of Occupancy may be applied for at the same time as the Building Permit or thereafter,

and if approved shall be issued within ten (10) days after notification by the permitted that the land or building is ready for occupancy. This regulation shall not affect the moving of a portable accessory building within the boundaries of the lot on which it is situated.

A record of all certificates shall be kept on file and copies shall be furnished upon receipt to any person having a proprietary or tenancy interest in the land or building affected for a fee of one dollar (\$1.00) for each original certificate and seventy-five cents (\$0.75) for each copy.

#### D. EXPIRATION OF BUILDING PERMIT

If the work described in any Building Permit has not begun within ninety (90) days from the date of issuance thereof, said Permit shall expire; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said Permit shall expire and be canceled by the Building Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Building Permit has been obtained.

#### E. PUBLIC INFORMATION NOTICE SIGN

Whenever an application filed with the Zoning Commission requires a public hearing the applicant shall display a Public Information Sign on the site giving notice that an application is pending before the Zoning Commission. The sign shall be in a manner and form as prescribed by the Commission and be provided by the Commission to the applicant. It shall be displayed in a highly visible place at each location in the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are to be removed within seven (7) days following the close of the public hearing. The applicant, at the public hearing, shall supply the Commission with an affidavit certifying that the Public Information Notice Sign has been placed for the period specified.

## ARTICLE TWELVE

### BOARD OF APPEALS

#### A. BOARD OF APPEALS ESTABLISHED

A Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the General Statutes and Special Acts of the State of Connecticut and shall have the following powers and duties.

1. Adopt such rules and procedures as may be necessary to carry out these regulations.
2. To hear and decide appeals where it is alleged that there is error in any order, requirement, or decision made by the town official charged with enforcement of Chapter 124 of the Connecticut General Statutes or any bylaw, ordinance, or regulations adopted under provisions of that chapter, including the Zoning Regulations, and any order, requirement, or decision made by the Building Official.
3. To hear and decide all matters including Special Exceptions and Special Exemptions under Connecticut General Statutes Section 8-2g upon which the Board is required to decide by the specific terms of the Zoning Regulations.
4. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcels but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. The Zoning Board of Appeals shall be guided by the following standards in determining whether a request for variance shall be granted.
  - a. The applicant shall demonstrate that exceptional shape, size, topography or unique characteristic of the site requires a variance from a literal enforcement of the Zoning Regulations.
  - b. The exceptional difficulty or unusual hardship claimed shall not have been created by the owner or the person or persons requesting the variance.

- c. The variance requested shall not adversely affect the neighborhood and shall be in harmony with the purpose and intent of the Zoning Regulations.
  - d. The application shall be for the least number of variances possible.
  - e. The applicant shall show that there is no reasonable alternative other than to grant the requested variance(s).
- 5. The requested variance(s) shall not permit on a site any use to exist or to be created which use is not already permitted by right as set forth in the Zoning Regulations for that zone.
  - 6. No variance to the Zoning Regulations shall be granted that is conditioned on an approval by another Board or Commission.
  - 7. No variance shall be granted that will continue or expand a non-conforming use.

#### B. DECISIONS OF THE BOARD OF APPEALS

- 1. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement or decision appealed from and may make such order, requirement, or decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken.
- 2. In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when they have been made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations. It shall be the responsibility of the Zoning Enforcement Officer to enforce the specific conditions of the variance.

#### C. PROCEDURE

- 1. Every application for variance from the Use Regulations as distinguished from the Height and Area Requirements shall be immediately transmitted to the Zoning Commission and the Planning Commission, and on or before the public hearing held by the Board on such application for variance, the Zoning Commission and Planning Commission shall make a report of their recommendation.

2. Public Information Notice Sign

Whenever an application filed with the Zoning Board of Appeals requires a public hearing, the applicant shall display a Public Information Notice Sign on the site giving notice that an application is pending before the Zoning Board of Appeals. The sign shall be in a manner and form prescribed by the Board and be provided by the Board to the applicant. It shall be displayed in a highly visible place at each location on the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are removed within seven (7) days following the close of the public hearing. The applicant, at the public hearing, shall supply the Board with an affidavit certifying that the Public Information Notice Sign has been placed for the period specified.



## ARTICLE THIRTEEN

### AMENDMENTS

These regulations may be amended or repealed as provided in the Zoning Law either on the initiative of the Zoning Commission or by petition. Every petition for such action shall be filed with the Zoning Commission which may act on it only after a public hearing. To defray the cost of legal notice and publication of decision, a fee of twenty-five (\$25.00) shall accompany the petition.

No petition for amendment or repeal which has been rejected by the Zoning Commission or withdrawn by the petitioners shall be heard again within one (1) year from the date of rejection or withdrawal. The Zoning Commission may grant a re-hearing if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioner.

In any petition for a change of zone, the Zoning Commission may require the submission of plans showing proposals for the development of the land involved in the change including the location of buildings, streets, and open spaces, and such other information as the Zoning Commission considers helpful to its decision. On the basis of such plans, the Commission may grant the change in zone subject to conditions which will protect the public interest and neighboring properties, and Building Permits will be issued only in conformity with the plans as approved and conditioned.

## ARTICLE FOURTEEN

### REGULATIONS DECLARED TO BE MINIMUM REGULATIONS

In their interpretation and application, the provisions of this Regulation shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Regulation are at variance with the requirements of any other lawfully adopted rules, regulations, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

## ARTICLE FIFTEEN

### VALIDITY

Should any section or provision of this regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## ARTICLE SIXTEEN

### EFFECTIVE DATE

The amendments to these regulations shall take effect fifteen (15) days after publication, as specified by the Connecticut General Statutes, or specified in the amendment.

A copy of these Zoning Regulations and a revised map of the Town of Simsbury showing zones as herein described are now on file in the Office of the Town Clerk, Simsbury, Connecticut.